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Just Punishment?: The Epistemic and Affective Investments in Carceral Feminism

Tess Joseph

Honors Thesis in Comparative American Studies

Advisor: Professor Wendy Kozol

Readers: Professors KJ Cerankowski and Gina Perez

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Introduction

“I’m here today with all these other women—not victims, but survivors—to tell you face-to-face that your days of manipulation are over. We have a voice now. We have the power now. There is no therapy, no cure, and no healing for monsters like you. You are pure evil and I hope every other evil pervert listening to this is sitting there cowardly like you with their tail between their legs because you are just one of so many that are going to get what they deserve.”¹

— Jamie Dantzcher

Jamie Dantzcher’s 2018 victim impact statement begins as a story of solidarity amongst the survivors of sexual abuse by Larry Gerard Nassar;² as they collectively expose their trauma in a courtroom, they have “a voice,” “the power” that comes from speaking out. But Dantzcher’s rhetoric quickly slips into the dehumanizing logics of the carceral state. Nassar is not a man, but a “monster,” an animal with its tail between its legs. His evil is “pure” and incurable, incorrigible. There is nothing—no “therapy,” “cure,” or “healing”—for him; only a lifetime to be spent in a cage. Dantzcher left me inspired by her bravery yet perplexed, even disturbed, by her desires.

On January 24, 2018, following a week of statements such as Dantzcher’s, Judge Rosemarie Aquilina delivered the final sentencing: 40 to 175 years in prison. To great public applause, Aquilina declared, “I just signed your death warrant.”³ I open with Nassar’s case not because of who he is or what he did, and not even due to his trial’s widespread notoriety and the public’s gleeful response to the final sentencing. Instead, I selected this case because of Aquilina’s decision to permit unlimited survivor testimony. Undoubtedly, 150 survivors’ victim

¹ Morgan Brinlee, “Quotes from Larry Nassar’s Abuse Victims That Will Just Crush You,” *Bustle*, January 24, 2018, <https://bustle.com/p/quotes-from-larry-nassars-abuse-victims-that-will-just-crush-you-8004090>.

² Larry Gerard Nassar is the former USA Gymnastics national team doctor and osteopathic physician at Michigan State University. For decades, Nassar sexually abused over 250 people, some of whom are well-known Olympic athletes. His case became of heightened national interest during this particular sentencing, in part due to Judge Rosemarie Aquilina’s decision to permit unlimited survivor testimony.

³ Kelly Hayes and Mariame Kaba, “The Sentencing of Larry Nassar Was Not ‘TJ.’ Here’s Why,” *Injustice Today*, February 5, 2018, <https://injusticetoday.com/the-sentencing-of-larry-nassar-was-not-transformative-justice-here-s-why-a2ea323a664>.

impact statements influenced what occurred in Aquilina's courtroom in Lansing, Michigan, and they certainly piqued attention across the nation.

After being affectively exposed to the survivors' trauma, I effectively suspended my anti-state violence beliefs. Upon listening to their testimonies, I, too, found myself cheering for Aquilina's draconian decision; I, too, felt that Nassar's "death warrant" gave him what he deserved. Even given my distaste for the carceral state, Nassar's trial succeeded in making palatable a justice that fundamentally prioritizes the punishment of perpetrators rather than the healing of survivors. Punishment may be tempting for a good reason, and I honor survivors' navigations of their trauma, whether they, like Dantzscher, seek recourse through the carceral state or, like many others, look elsewhere. Still, this siloing of justice and healing preoccupies me, and I thus engage with what I call the "carceral divide," as a site of critique, asking: If punitive justice is not meant to heal, then what purpose (and who) does it serve? As Nassar's trial suggests, and as I anticipate many readers to infer, punitive justice serves the state. But as the example of Dantzscher further suggests, punishment may also cater to the needs—affective and otherwise—of those harmed. In pausing to recognize that punitive justice does have the capacity to engender healing, I also maintain that if justice and healing are not separate, they are interdependent in a way that is, paradoxically, independent of the survivor. If the carceral state can offer justice or healing, such redress relies upon what happens to the perpetrator. Conversely, I ask: What are the consequences of framing healing as attainable only after we punish the perpetrator?

Certainly, the dilemma I present here extends beyond survivors such as Dantzscher, perpetrators such as Nassar, judges such as Aquilina, and spectators such as myself. To understand our present pain and possibilities for future healing from intimate violence requires a

critical remembrance of the predominantly white and liberal mainstream anti-violence movement's history. I concede that this movement did make significant steps toward progress, but I also regard it as deeply flawed and ultimately insufficient. I further recognize that the mainstream anti-violence movement has been met with resistance, not just from patriarchal forces, but also from coalitions such as the Black feminist movement.⁴ This lineage is deeply complicated, but I begin my brief retelling in the 1960s, during which second-wave feminists focused their efforts on framing rape as a political problem, arousing fear and moral panic that, in turn, served as a justification for state regulation. Imploring the state to "recognize and protect women," feminist efforts advanced the notion of a national sexual crisis throughout the 1970s and 80s.⁵ Tough-on-crime sentiments, combined with feminist rallying for the state to intervene, motivated anti-violence law reforms across the nation. In framing intimate violence as a crime and thereby necessitating legal remedies from the carceral state, feminist efforts concretized a "reliance on the coercive power of government to ensure women's safety."⁶ By the early 1990s, Congress was inundated with demands for action and the long-awaited watershed moment arrived: the Violence Against Women Act (VAWA) of 1994.

Considering the contemporary relationship between mainstream anti-violence measures and the carceral state 25 years after the original VAWA, I examine the Rape, Abuse & Incest National Network (RAINN), the nation's largest anti-violence nonprofit. Specifically, I conduct a discourse analysis of RAINN's website and its Survivor Series campaign, a collection of videos in which survivors share their experiences with intimate violence. In my discussion, I

⁴ See Ula Taylor, "The Historical Evolution of Black Feminist Theory and Praxis," *Journal of Black Studies* 29, no. 2 (1998): 234-253. Taylor details the genealogy of Black feminism in which, throughout the nation's history, "African American women have struggled with White women on many political fronts," including that of anti-violence (234).

⁵ Kristen Bumiller, *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement Against Sexual Violence* (Durham, NC: Duke University Press, 2008), 2.

⁶ Bumiller, 2.

argue that RAINN organizationally codifies what Elizabeth Bernstein has termed carceral feminism, “a cultural and political formation in which previous generations’ justice and liberation struggles are recast in carceral terms.”⁷ In other words, RAINN’s carceral recasting of anti-violence politics positions the carceral state as a site of justice, seeking liberation through the state’s promises of legislation and policies. While anti-violence measures by the state may crucially help individual survivors, they are ultimately reactionary rather than preventative; they do little to transform the complexly webbed conditions that contribute to intimate violence. By locating its anti-violence politics within the violence of the carceral state, RAINN is not anomalous to the mainstream anti-violence movement, but rather is representative of the history I will expand upon in Chapter 1. Throughout this thesis, RAINN serves as an epistemic and affective locus through which we may better comprehend how and, importantly, *why* punitive justice has become the primary means to address intimate violence.

Contextualizing the Carceral State: An Epistemic and Affective Occupation

In the words of Brady T. Heiner and Sarah K. Tyson, the carceral state has “captured, confined, and inhabited our collective capacities for thinking, feeling, imagining, and acting.”⁸ I approach my thesis under the assumption that in so doing, the carceral state has become a state of mind; “an epistemic occupation.”⁹ That is, under the dominant epistemology, or way of knowing, of punitive justice, many Americans (myself included) have a profound difficulty in imagining prevention and redress of intimate violence without the recourse of the carceral state. What may be required for liberation from violence is what Walter D. Mignolo calls an “epistemic de-

⁷ Elizabeth Bernstein, “Carceral politics as gender justice? The ‘traffic in women’ and neoliberal circuits of crime, sex, and rights,” *Theory and Society* 41, no. 3 (2012): 236.

⁸ Brady T. Heiner and Sarah K. Tyson, “Feminism and the Carceral State: Gender-Responsive Justice, Community Accountability, and the Epistemology of Antiviolence,” *Feminist Philosophy Quarterly* 3, no. 1 (2017): 2.

⁹ Heiner and Tyson, 2.

linking,” a break from the “spell of neoliberalism.”¹⁰ Mignolo describes de-linking in the context of the violence of modernization, in which neoliberal logics sell modernity as a “trip to the promised land of happiness.”¹¹ To expand upon Mignolo, I consider de-linking in the context of the violence of the carceral state, in which these very logics urge us to buy into the notion that punishment will bring us to the “promised land” of justice. Through de-linking, we may reformulate our epistemic relation to the carceral state; we may rethink our beliefs of what justice is and how we may reach it.

To de-link at an epistemic level is also to recognize that epistemology, as a meaning-making and world-forming framework, has long been a tool to interpret the doxastic attitudes of individuals decontextualized from their social environments.¹² By contrast, in the words of Alvin I. Goldman, a social epistemological approach “involves the evaluation, from an epistemic perspective, of various ‘decisions’ or ‘choices’ by epistemic agents.”¹³ In other words, we human beings are implicated in systems seemingly beyond our grasp; conceptualization is a collective process shared amongst ourselves and with the many institutions that shape our world.

From RAINN to individual actors such as Dantzscher or Aquilina, epistemic agents are not abstracted from affect but rather imbued with it; in Susan McManus’s words, “affect is immediately mapped to, and constitutive of, the agential thinking-body.”¹⁴ I bring affect to the fore of my thesis for this very reason, joining McManus in asserting that to attempt to understand epistemology without affect is to misunderstand how intertwined our conceptualizations and

¹⁰ Walter D. Mignolo, “DELINKING: The Rhetoric of Modernity, the Logic of Coloniality and the Grammar of de-Coloniality,” *Cultural Studies* 21, no. 2-3 (2007): 450.

¹¹ Mignolo, 450.

¹² Throughout this paper, “epistemic” refers to knowledge, justification, and mental cogitations, whereas “epistemological” refers to the discipline which studies epistemic matters.

¹³ Alvin I. Goldman, “A Guide to Social Epistemology,” in *Social Epistemology: Essential Readings* (New York, NY: Oxford University Press, 2011), 11.

¹⁴ Susan McManus, “Hope, Fear, and the Politics of Affective Agency,” *Theory & Event* 14, no. 4 (2011): 4.

sentimentalities are. Thus, I also align myself with Sara Ahmed's "cultural politics of emotion," an "affective contagion" in which thought and emotion converge and circulate.¹⁵ Describing an affective economy, Ahmed joins Ruth Leys in defying "neuroscientific research that treats the emotions as inherently independent of intentions"; epistemic and affective processes of "thinking, reasoning, and reflection" are instead understood as interdependent.¹⁶ As seen in national spectacles such as Nassar's trial, the affective economy has profound consequences for thinking and feeling about justice. Intentionally conceptualizing these processes as verbs, I seek to trace the movement—or as Ahmed writes, the "rippling effect"—of epistemology and affect throughout RAINN's website and the Survivor Series videos.¹⁷

Throughout my writing, I challenge Brian Massumi's remarks that "Affect is not a personal feeling. Feelings are personal and biographical, emotions are social."¹⁸ While there may be value in distinguishing among affects and feelings or emotions, as Massumi does, I assert that in the affective economy, transactions blur the line between a sentiment's individual and collective belonging.¹⁹ Affect, while perhaps pre-personal, may well produce a subjectivity that is at once personal, social, and, of great importance to this thesis, political. Approaching my analysis through the knowledge offered by social epistemologists and affect theorists, I follow Leys's observation that we "have overvalued the role of reason and rationality in politics."²⁰ Such overvaluing contributes to the relative lack of scholarly attention to the affective underpinnings of the carceral state. As such, I affirm Lauren Berlant's claim that the "seeming detachment of rationality [...] is not a detachment at all"; the carceral state establishes "an

¹⁵ Sara Ahmed, quoted in Kristyn Gorton, "Theorizing Emotion and Affect," *Feminist Theory* 8, no. 3 (2007): 339.

¹⁶ Ruth Leys, "The Turn to Affect," *Critical Inquiry* 37, no. 3 (2011): 436-465.

¹⁷ Sarah Ahmed, "Affective Economies," *Social Text* 22, no. 2 (2004): 120.

¹⁸ Brian Massumi, quoted in Leys, "The Turn to Affect," 442.

¹⁹ The affective economy affirms that our emotions are shaped not only by intentions or thought, but also by our social environments, an affective exchange amongst the social collective.

²⁰ Leys, "The Turn to Affect," 436.

emotional style associated normatively with a rhetorical practice.”²¹ Indeed, the juridical structure of the United States legitimizes its punitive practices through staking epistemic claims of objectivity and fairness, while simultaneously sustaining itself through cultivating affects of fear and moral panic. Fear and panic, such as in the case of intimate violence, are not misplaced—instances of harm happen terrifyingly and alarmingly often—yet the carceral state uses these affects to reify punishment as justice.

In fact, when read together, the two foundational theories to Anglo-American punitive justice conceptualize punishment as inextricable from affect.²² Immanuel Kant’s retributive punishment instigates a “recommended censure proportionate to a perpetrator’s ‘internal wickedness,’ a quantity that may be approximated by society’s sense of moral outrage over the crime” is justice.²³ In this sense, an eye-for-an-eye approach calculates an appropriate punishment to respond to “moral outrage.” Jeremy Bentham’s utilitarian punishment similarly “holds that an offender’s punishment should be just sufficient to prevent future instances of the offense.”²⁴ As Bentham states, “If the apparent magnitude, or rather value of [the] pain be greater than the apparent magnitude or value of the pleasure or good he expects to be the consequence of the act, he will be absolutely prevented from performing it.”²⁵ Affect is central to Bentham’s punishment; the “pain,” “pleasure,” and “good” calibrate the appropriate punishment as a means of deterrence. In essence, moral outrage engenders inflicting pain on those we conceive of as wicked, of hurting those who have hurt us. This, in the United States, is justice.

²¹ Lauren Berlant, *Cruel Optimism* (Durham, NC: Duke University Press, 2011), 27.

²² Immanuel Kant and Jeremy Bentham were leading philosophers in Anglo-American law. While they are German and English, respectively, their combined theories coalesce in the United States.

²³ Immanuel Kant, quoted in Kevin M. Carlsmith, John M. Darley, and Paul H. Robinson, “Why Do We Punish?: Deterrence and Just Deserts as Motives for Punishment,” *Journal of Personality and Social Psychology* 83, no. 2 (2002): 285.

²⁴ Carlsmith et al., 285.

²⁵ Jeremy Bentham, quoted in Carlsmith et al., 285.

I am particularly interested in understanding how the punitive justice that Kant and Bentham delimit applies to intimate violence. To do so, I ground my analysis of RAINN in Bernstein's framework of carceral feminism, a feminist politics in which the carceral state serves as the "enforcement apparatus for feminist goals."²⁶ But unlike other scholars, I put carceral feminism and affect theory in conversation with each other; guided by Kant and Bentham, I interpret the punishment of perpetrators of intimate violence to be affectively motivated. Fundamental to my research is an understanding that to comprehend carceral feminism, we must vigorously remind ourselves of the "subliminal affective intensities and resonances that so decisively influence or condition our [...] beliefs."²⁷ I propose that the carceral state and the mainstream anti-violence movement alike necessitate an analysis that addresses the interactions between epistemology and affect, a complex imbrication of thought and feeling. Responding to the call for affective attention to seemingly objective entities of the state, I pair Bernstein's carceral feminism with Berlant's concept of "cruel optimism." Optimism, an affective force so embedded within political projects, becomes cruel "only when the object that draws your attachment actively impedes the aim that brought you to it initially."²⁸ Cruel optimism deeply resonates with Bernstein's carceral feminism insofar as its optimistic aim for a world free from intimate violence turns cruel in "maintaining an attachment to a significantly problematic object," in attaching itself to the carceral state which is itself a begetter of violence.²⁹

²⁶ Elizabeth Bernstein, "The Sexual Politics of the 'New Abolitionism,'" *Differences* 18, no. 3 (2007): 143.

²⁷ Leys, "The Turn to Affect," 436.

²⁸ Berlant, *Cruel Optimism*, 1.

²⁹ Berlant, 24.

Questioning Carceral Feminism

My curiosities converge in the particular context of carceral feminism. In this thesis, I do not seek to *criticize* carceral feminism at length; though there may be value in such an endeavor, I find it unproductive to unequivocally denounce a politics that, while potentially harmful to all, provides the only option of justice and healing for many survivors. Instead, I elect to *critically engage with* carceral feminism precisely because of its tensions. To understand carceral feminism in all its nuance and contradictions, I ask the following questions: How does affect motivate punitive justice, and more specifically, what are the affective investments in carceral feminism? Conversely, how does the epistemology of punitive justice, as constituted by RAINN and survivors, inform affects? Ultimately, after reaching an understanding of the prevailing circumstances of punitive justice, I ask: How can the alternative imagination, perhaps that offered by transformative justice, epistemically and affectively de-link responses to intimate violence from the carceral state? The answers I discover through my research suggest that carceral feminism does not move beyond an individualized, interpersonal level; it neither recognizes the liberatory possibilities of a collective, community accountability process nor transforms the systemic conditions of intimate violence. As such, at best, carceral feminism serves as a band-aid solution to harm; at worst, it bolsters the very systems of oppression—including but not limited to the carceral state—that promote intimate violence in the first place. While carceral feminism can offer justice and healing to select survivors, it is cruelly optimistic in promising a future world free from intimate violence.

In the scholarly tradition of American Studies, my inquiry is an interdisciplinary interrogation of institutional, social and cultural phenomena, and I draw from the fields of affect theory, trauma theory, feminist theory, media studies, and abolitionist theory. Combining the

knowledge gleaned from this literature review and an array of other secondary sources, I conduct a discourse analysis of texts and visuals from my primary sites of inquiry: RAINN's programs and policy efforts, sourced from RAINN's website, and survivors' voices, sourced from RAINN's Survivor Series on YouTube. In this analysis, I do not intend to place a value judgment on a survivor's determination to seek justice within or outside of the carceral state. Instead, I view RAINN's framing of these videos as insight into how the organization operationalizes survivors' narratives to reinforce its carceral feminist mission. As such, I use discourse analysis so that I can critically consider the representations that stoke epistemic and affective investments in punitive justice in the wake of incredible violence and trauma.

In Chapter 1: Mapping the Origins of Carceral Feminism, I situate this thesis in the United States' projects of colonization and enslavement. Understanding these horrors as foundational to carceral feminism, I argue that our conceptual and emotional relationships to punitive justice are deeply seeded in colonialism and racism, particularly anti-Blackness. Next, I establish a genealogy of United States rape consciousness and the mainstream anti-violence movement, culminating in the VAWA of 1994, a piece of legislation that is indeed neoliberal and carceral in its rhetoric and implementation.

I continue to illustrate this lineage in Chapter 2: RAINN's Website: The Epistemic and Affective Justification of Punishment, siting RAINN as a carceral feminist organization. RAINN bifurcates between punitive justice-oriented programming and healing-oriented Hotlines, a reflection of the carceral divide that widens in their Speakers Bureau, a cohort of survivors who volunteer to share their stories. In Chapter 2, I focus on RAINN's program and policy efforts that lobby for punishment as justice, employing a discourse analysis of its website, including its corporate partners, leadership, mission statement, infographics, politicians' testimonials.

In Chapter 3: Survivor Confessionals and the Limits of Healing, I conduct a discourse analysis of the Speakers Bureau Application's questions and then turn my attention to the Survivor Series videos. Through rhetorical coding and visual analysis of seven survivors' narratives, I create the basis for an affective analysis that differentiates between sharp and dull affects, emotions emphasized or muted by RAINN's production of these videos. Understanding the logics of neoliberal individualism as inextricable from these confessions, I aim to answer: How does RAINN present and utilize these narratives to ultimately uphold their carceral feminist mission?

Finally, in the Conclusion: De-Linking Toward Possible Freedom, I ponder what a better future, free from both state and intimate violence, looks like, thinks like, and feels like. Questioning how we may respond to harm without the carceral state, I turn to transformative justice, a movement oppositional to carceral feminism that may permit us to build toward this future. Ultimately, I urge for us, collectively, to practice epistemic and affective de-linking, to both conceptually and emotionally reconfigure our relationships with and responses to justice and healing away from punishment.

Chapter 1: Mapping the Origins of Carceral Feminism

“We need to shape better practices of responsibility and memory for our placement in relation to the past, our implication in the present, and our potential creation of different futures.”³⁰

— Alexis Shotwell

As Alexis Shotwell contends, forgetting the past is more than irresponsible; it makes a different present unthinkable and a better future impossible. Writing as a white settler woman living on the stolen land now called the United States, I find it necessary to contextualize intimate violence within past versions of colonization and enslavement before my discussion of their hemorrhaging onto the present. From an academic and ethical responsibility, it is impossible to discuss intimate violence, the carceral state, and justice without naming these histories. Moreover, I do not want to lose sight of the linkages between historical projects of white supremacy and their ongoing, contemporary forms. As Patrick Wolfe reminds us, these histories are not confined to the past; they are continuing processes with “ongoing complementary strategies.”³¹ Throughout my research, I am affectively guided by despair *and* hope; despair that we cannot ever rid ourselves of the atrocious beginnings of the United States, but hope that, if we follow Shotwell and hold ourselves responsible, we can create a less violent and more just future.

To reckon with these beginnings—or at the very least, to meaningfully acknowledge them—would enjoin the predominantly white and liberal mainstream anti-violence movement to contemplate whether their efforts are anti-colonial and anti-racist in practice. To do so, this movement would need to consciously navigate what Ruth Leys calls the genealogy of the present, accountability to the “contemporary developments or paradigms” and their “relatively

³⁰ Alexis Shotwell, *Against Purity: Living Ethically in Compromised Times* (Minneapolis, MN: University of Minnesota Press, 2016), 8.

³¹ Patrick Wolfe, “Settler colonialism and the elimination of the native,” *Journal of Genocidal Research* 8, no. 4 (2006): 400.

recent (also a relatively dense) history or lineage.”³² That is, Leys, like Shotwell, presents the imperative to contextualize intimate violence within a lineage of state violence.

When discussing justice in this land, Sarah Deer, member of the Muscogee (Creek) Nation, urges remembrance of the time prior to the intrusion by European and United States criminal justice systems. Indigenous nations had “extremely powerful and effective” tribal justice systems; when intimate violence occurred, “tribal systems of jurisprudence provided a powerful system of social checks and balances” which aimed to hold the perpetrator(s) accountable.³³ However, as part of what Indigenous scholars contextualize as the “ongoing process of occupying and destroying the political, epistemic, and organizational practices of Native communities,”³⁴ the Anglo-American punitive justice model forcibly rerouted restorative community accountability processes through the carceral state’s individualized punishment.³⁵

Racialized subjection under the law further beckons attention to the “spirit of slavery” perpetuated by the carceral state through ideological and institutional means; enslavement has “intensified, seduced, enveloped, and animated contemporary formations of power.”³⁶ In the short-lived Reconstruction era’s convict leasing program, formerly enslaved peoples were incarcerated and then forced to rebuild the South’s infrastructure, a decision further legitimated by the creation of laws known as “Black Codes.” Passed in 1865-66, the “Black Codes” strategically and intentionally increased punishments for Black Southerners for “a range of

³² Ruth Leys and Marlene Goldman, “Navigating the Genealogies of Trauma, Guilt, and Affect: An Interview with Ruth Leys,” *University of Toronto Quarterly* 79, no. 2 (2010): 656.

³³ Sarah Deer, “Federal Indian Law and Violent Crime: Native Women and Children at the Mercy of the State,” in *Color of Violence: The INCITE! Anthology*, ed. INCITE! Women of Color Against Violence (Durham, NC: Duke University Press, 2016), 33.

³⁴ Heiner and Tyson, “Feminism and the Carceral State,” 15.

³⁵ See also Sarah Deer, *The Beginning and End of Rape* (Minneapolis, MN: University of Minnesota Press, 2015). Deer further explores settler colonialism, intimate violence, and the relationship between tribal justice and Anglo-American punitive justice, including various mentions of the Violence Against Women Act of 2013 and instatement of tribal jurisdiction over non-Native perpetrators of violence.

³⁶ Stephen Dillon, “Possessed by Death: The Neoliberal-Carceral State, Black Feminism, and the Afterlife of Slavery,” *Radical History Review*, no. 112 (2012): 115.

actions such as vagrancy, absence from work, breach of job contracts, the possession of firearms, and insulting gestures or acts.”³⁷ Presumptions of criminality therefore “arose as a tool to sanction blacks selectively while affirming white male property interests,” replicated in the postbellum era.³⁸ Indeed, United States rape consciousness “evolved from [this very] legacy of race relations in which blacks’ threats to Southern white society’s property and authority led to excessive countermeasures and, in rape cases, to the disproportionate use of the death penalty for black men.”³⁹ As Sarah Ahmed maintains, such perceived “threats” may inspire fear, but “fear does not come from within the subject, nor does it reside in its object: we are not afraid of others because they are fearsome. Through the circulation of signs of fear, the black other ‘becomes’ fearsome.”⁴⁰ Ahmed’s point is not to say that fear of intimate violence is inherently racist (it is not), nor is it to say that such violence does not exist (it does). Instead, I include her thinking on fear to emphasize the criminalization of race, particularly of Blackness, when discussing the affective substructures of the carceral state and the mainstream anti-violence movement.⁴¹ Under white supremacy and racism, people of color not only become “fearsome”—to expand upon Ahmed, they also become criminal. In brief, the circulation of such palpable affect inclines the carceral state to respond with great and terrible brutality.

Some hundred years later, our epistemic and affective ties to justice for intimate violence remain beholden to colonialism and enslavement. I locate a more recent genealogy for RAINN and other contemporary carceral feminist projects in the throes of second-wave feminism.

³⁷ Angela Y. Davis, *Are Prisons Obsolete?* (New York, NY: Seven Stories Press, 2003), 28.

³⁸ Bumiller, *In an Abusive State*, 21.

³⁹ Bumiller, 21.

⁴⁰ Ahmed, “Affective Economies,” 127.

⁴¹ See Angela Y. Davis, “Rape, Racism and the Capitalist Setting,” *The Black Scholar* 12, no. 6 (1981): 39-45. Davis writes about intimate violence in connection with anti-Blackness, arguing that the “myth of the black rapist has been methodically conjured up when recurrent waves of violence and terror against the black community required a convincing explanation” (39).

Throughout the struggles to expose and address intimate violence spanning this certain era of carceral feminist history, I acknowledge that by politicizing intimate violence, second-wave feminists did consider the oppressive institutions of the state through condemning their inaction in response to tremendous harm. But motivated by seeking *improvements* in these institutions, this condemnation paradoxically maintained the state as capable of mitigating the very harm its structures helped produce. In this sense, carceral feminism encompasses the contradictions of Lauren Berlant's cruel optimism, "a relation [in which] something you desire is actually an obstacle to your flourishing."⁴² That is, carceral feminism's optimistic sense of freedom from intimate violence is cruel insofar as such a possibility remains inextricably dependent upon the carceral state, a fundamental architect of such violence.

In the 1960s, guided by the refrain that "the personal is political," the mainstream anti-violence movement pushed intimate violence organizing onto the terrain of state, disregarding the state's production of violence and thus directing their politics away from radical potentialities. The battered women's movement called for the creation of shelters for survivors of intimate violence, not as institutions formed by the state but as houses formed through collective action. But facing the increasing attrition of the welfare state and the stigmatization of its recipients under the burgeoning of right-wing conservatism, the battered women's movement sacrificed its core anti-state philosophy, serving as a canary for what was to become of the broader anti-violence movement. To provide adequate resources for survivors, shelters sought the promise of stable funding from the federal government, which consequently mandates those seeking refuge in shelters to apply "for all appropriate state benefits" to prove that they are

⁴² Berlant, *Cruel Optimism*, 1.

taking “all necessary steps to gain self-sufficiency.”⁴³ By encouraging an individual survivor’s capacity to “get on with [their] own life,” there was, and remains today, little opportunity to understand intimate violence in a collective manner.⁴⁴

As such, a dependency on the welfare state produces not just an inevitable reliance on the state, but also an expectation of in/dependence of the self, a configuration symptomatic of the 1970s shift toward neoliberalism,⁴⁵ an ideology associated with “less restraint on free-market policies, pro-corporatism, privatization, and in particular, the transfer of public services to private organizations.”⁴⁶ While neoliberalism is most certainly an economic doctrine, the liberation of the market is not its sole function; to borrow from Noah De Lissovoy, “neoliberalism is both a specifically economic process and a broader reconfiguration of society.”⁴⁷ Specifically, Stephen Dillon joins De Lissovoy in arguing that neoliberalism’s seemingly neutral economic discourses of equality and freedom necessitate “force, punishment, warfare, immobilization through incarceration.”⁴⁸ In short, state violence is “not the exception to neoliberalism,” but rather “its condition of possibility.”⁴⁹ By recomposing the state through what De Lissovoy names the “carceral turn,” “structural crises and contradictions are reinterpreted in moralistic terms, as the proper neoliberal subject recognizes itself through its exclusions of the pathologized other.”⁵⁰ In other words, while neoliberalism may scale down the state for some,

⁴³ Bumiller, *In an Abusive State*, 5.

⁴⁴ Bumiller, *In an Abusive State*, 72.

⁴⁵ Takeshi Nakano, “Neoliberalism and Conservatism,” in *Beyond Global Capitalism*, ed. Satoshi Fujii (Tokyo, Japan: Springer, 2015). As Nakano details, the right-wing conservatism I mention in the context of the 1960s battered women’s movement and neoliberalism are very much alike, even indistinguishable.

⁴⁶ Bumiller, *In an Abusive State*, 5.

⁴⁷ Noah De Lissovoy, “Conceptualizing the Carceral Turn: Neoliberalism, Racism, and Violation,” *Critical Sociology* 39, no. 5 (2012): 741.

⁴⁸ Dillon, “Possessed by Death,” 117.

⁴⁹ Dillon, 118.

⁵⁰ De Lissovoy, “Conceptualizing the Carceral Turn,” 740.

for many other “pathologized” or criminalized communities—particularly communities of color—the state’s presence *expands*.⁵¹

To explain the extent of this pathologization, in the 1970s, the incarcerated population consisted of 300,00 people; by 2014, 2.3 million people were in cages, with an additional six million under state surveillance by way of probation or parole.⁵² More than 70 percent of the incarcerated populations are people of color; the fastest growing group of prisoners is Black women; Indigenous/Native prisoners are the largest group per-capita.⁵³ Unequivocally, people of color disproportionately experience incarceration.⁵⁴ This rapid rise of carceral practices of confinement and surveillance is due primarily to state policies such as the “War on Drugs,” rather than to the prosecution of perpetrators of intimate violence. Nevertheless, by maintaining the carceral state as the “sole” entity able to do justice, including condemning the government’s inaction and lobbying for anti-violence legislation, the mainstream anti-violence movement reinforced carceral logics. Just as the state took a carceral turn, so too did the mainstream anti-violence movement, encompassing what Elizabeth Bernstein has coined “carceral feminism,” a politics that seeks “social remedies through criminal justice interventions rather than through a redistributive welfare state” and “locates social problems in deviant individuals rather than

⁵¹ See Victor M. Rios, *Punished: Policing the Lives of Black and Latino Boys* (New York, NY: New York University Press, 2011). Rios describes the state’s increased role in the life of Black and Latinx youth under neoliberalism. While I have explained neoliberalism to be, in part, a project of austerity, Rios offers insight into the growth of the state under neoliberalism, in carceral control of communities of color is amplified.

⁵² Bryan Stevenson, *Just Mercy* (New York, NY: Spiegel & Grau, 2014), 15.

⁵³ Angela Y. Davis, “Masked Racism: Reflections on the Prison Industrial Complex,” *Colorlines*, September 10, 1998, <https://colorlines.com/articles/masked-racism-reflections-prison-industrial-complex>.

⁵⁴ See Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York, NY: The New Press, 2010). Alexander’s seminal work frames the rapid expansion of the carceral state beginning in the 1970s as the “new Jim Crow” in which people of color, disproportionately Black and Brown people, are subjected to incredible oppression at the hands of the carceral state. As Alexander writes, in the “new Jim Crow” era, “it is perfectly legal to discriminate against criminals in nearly all the ways that it was once legal to discriminate against African Americans” (2).

mainstream institutions.”⁵⁵ As neoliberal privatization entails a carceral swallowing of the welfare state, the entity previously tasked with addressing intimate violence, feminists turned to the carceral state.

By locating the social problem of intimate violence in pathologized others or deviant individuals, carceral feminism adopts the neoliberal logics of personal responsibility.⁵⁶ Reflecting upon personal responsibility, I return to the social epistemological approach I discussed in the Introduction. There, I posit that if we attempt to understand our ways of knowing while failing to consider social environments, we misunderstand the collective nature of our epistemic processes. Certainly, we must interrogate intimate violence in a way that holds an individual perpetrator accountable for their actions, but the neoliberal rhetoric of personal responsibility fails to understand that the world we live in shapes our dispositions. That is, the onus of responsibility is not solely personal, but also *interpersonal* and systemic; we must also take into serious consideration the role of the collective—of communities and oppressive institutions alike—in contributing to violence.⁵⁷

By the 1980s, the feminist dependence on the state centered on passing rape law reforms. While the legal sphere is traditionally thought of as objective, I align my thinking with Samuel H. Pillsbury’s claims that emotions “cannot be simply banished from punishment decision

⁵⁵ Bernstein, “The Sexual Politics,” 137. See also Mimi E. Kim, “From carceral feminism to transformative justice: Women-of-color feminism and alternatives to incarceration,” *Journal of Ethnic & Cultural Diversity in Social Work* 27, no. 3 (2018): 222. Kim similarly describes the neoliberal conditions of welfare retrenchment: “Whereas the welfare state aims to provide benefits and the redistribution of resources especially to the most vulnerable parts of the population, the carceral state focuses on activities of surveillance, arrest, and incarceration, often targeting the same sectors of the marginalized population who are recipients of welfare benefits.”

⁵⁶ See Bumiller, *In an Abusive State*, 5. While the second-wave feminist movement’s call for state responsibility for addressing intimate violence may appear to be in direct contrast to neoliberal ethics of personal responsibility, I follow Bumiller in recognizing the expansion of the state’s regulatory functions to be aligned with neoliberal investments in tailoring the social fabric.

⁵⁷ As I discuss in the Conclusion, transformative justice practices this social ontological approach to harm. Oppositional to punitive justice, transformative justice eschews neoliberal logics of personal responsibility and technologies of punishment, instead establishing community accountability processes and abolishment of systems of oppression.

making by moral or legal fiat.”⁵⁸ Political actors are “highly susceptible to the influence of public emotion” and, in turn, give such emotion legislative effect.⁵⁹ Pillsbury writes broadly about affect and punitive justice, but I use his argument as a point of departure from which I approach the specific context of carceral feminist legislation. As Willem De Haan and Ian Loader assert, “pleasure, anger, fear, sadness, disgust, remorse, resentment, shame, guilt and so forth” are implicated in lawmaking, “whether they be offender motivation, the dynamics of ‘hate’ crime or domestic violence, [or] ‘fear’ of crime, victimization and its effects.”⁶⁰ De Haan and Loader’s latter point gestures toward a few of the many affective agents that implicitly and explicitly participate in the lawmaking process, including perpetrators, survivors, the public, the mainstream anti-violence movement, and, needless to say, the carceral state itself. To further explain this circulation of affect and our dispersed contributions to or complicity in carceral feminism, I again draw upon Sara Ahmed’s affective economy. In this economy, fear “works to contain the bodies of others, a containment whose “success” relies on its failure, as it must keep open the very grounds of fear.”⁶¹ In the example of intimate violence, such others—perpetrators of intimate violence—must be contained under the carceral control of criminal legislation so that their perversions will not leak out into the public. But as Ahmed suggests, operating through an economy of fear, the carceral state must stoke fears of intimate violence to keep open the possibility of its very existence.⁶²

⁵⁸ Samuel H. Pillsbury, “Emotion and Criminal Punishment: In Principle and in Practice,” *Emotion Researcher*, 2016, <https://emotionresearcher.com/emotion-and-criminal-punishment-in-principle-and-in-practice>.

⁵⁹ Pillsbury, “Emotion and Criminal Punishment.”

⁶⁰ Willem De Haan and Ian Loader, “On the Emotions of Crime, Punishment and Social Control,” *Theoretical Criminology* 63 (2002): 243.

⁶¹ Ahmed, “Affective Economies,” 127.

⁶² See Michel Foucault, *Discipline and Punish*, trans. Alan Sheridan (New York, NY: Vintage Books, 1975), 264-292. Ahmed’s theorization on the economy of fear echoes Foucault’s query: “Is not the supposed failure part of the functioning of the prison?” (271). Just as the economy of fear depends upon—and thus stokes—fear, the carceral state depends upon—and thus produces—crime; in Foucault’s words, “The success of the prison, in the struggles around the law and illegalities, has been to specify a ‘delinquency’” (277).

The Violence Against Women Act of 1994

September 13, 1994 marks another seismic genealogical moment in carceral feminism of profound relevance to RAINN's fixation on punitive justice. On this particular Tuesday, a crowd of political figures and reporters gathered on the South Lawn of the White House as witnesses to one of the defining moments of Bill Clinton's presidency: the signing of the omnibus \$30 billion Violent Crime Control and Law Enforcement Act of 1994, championed by Senator Joe Biden (D-DE) and Senator Orrin Hatch (R-UT). The 1994 Crime Bill provided funding for 100,000 new police officers; \$9.7 billion for prisons; \$6.1 billion for prevention programs; a federal assault weapons ban; and an expansion of federal death penalty.⁶³

Nested within the Crime Bill is Title IV, the Violence Against Women Act (VAWA) of 1994.⁶⁴ VAWA dedicated \$1.6 billion to address "domestic violence, dating violence, sexual assault, stalking, and human trafficking," namely through the investigation and prosecution of "violent sexual and gender crimes," imposing automatic and mandatory restitution for those convicted.⁶⁵ In the VAWA of 1994, and subsequent reauthorizations and amendments in 2000, 2005, and 2013,⁶⁶ this funding supports a variety of initiatives with/in the carceral state,

⁶³ Nancy Whittier, "Carceral and Intersectional Feminism in Congress," *Gender & Society* 30, no. 5 (2016): 810.

⁶⁴ See Jennifer Patterson, *Queering Sexual Violence: Radical Voices from Within the Anti-Sexual Violence Movement*, (Bronx, NY: Riverdale Avenue Books, 2016). VAWA's title and initiatives certainly merit a more nuanced and lengthy critique than what I offer here. VAWA positions sexual violence within the framework of sexual and gender crimes, as rhetorically and practically bounded within the framework of violence against (assumed to be cis) women. But intimate violence is not exclusively a gender-based violence; it has always been, a brutal project of colonialism, racism, economic exploitation, criminalization, and state violence. Recognizing this, I turn to Patterson's queering of sexual violence; queering, in a broad sense, considers sexual violence while centering experiences and identities—be it gender, race, sexuality, dis/ability, economic, migration, and sex worker status—that are often marginalized. Moving away from the reductive violence against women framework, "gender, gender identity, and gender expression are not barriers to being immune to it"; queering sexual violence affirms all of the people that experience intimate violence, and all of the forms said violence takes (115).

⁶⁵ Monica N. Modi, Sheallah Palmer, and Alicia Armstrong, "The Role of Violence Against Women Act in Addressing Intimate Partner Violence: A Public Health Issue," *Journal of Women's Health* 23, no. 3 (2014): 253.

⁶⁶ See Miriam Zoila Pérez, "Seven Important Facts About the Violence Against Women Act at 20," *Colorlines*, September 12, 2014, <https://colorlines.com/articles/seven-important-facts-about-violence-against-women-act-20>. This article offers a nuanced discussion of VAWA from the perspective of feminists of color. Importantly, it discusses the VAWA of 2013, which provoked tumultuous debates in Congress. Particularly, the 2013 provision gave Tribal Nations the

including financing shelters; providing grants for states to offer services for gender-based violence; doubling federal penalties for repeat “sex offenders”; and encouraging states to adopt mandatory arrest policies for intimate partner violence.⁶⁷

The carceral nature of the legislation has drastically increased over time. In 1994, 62 percent of VAWA’s money was dedicated to the carceral state; the remaining 38 percent funded social services. By 2013, 85 percent of was given to the carceral state, with just 15 percent given to social services.⁶⁸ Even in the relatively few federal dollars that VAWA allocates to social services such as shelters and violence response organizations, increased prosecution rates are the priority of community intervention and the measure of program success. Intimate violence is not a narrow problem; it arises from myriad systemic and individual circumstances and persists despite countless efforts for prevention, intervention, and redress.⁶⁹ To regard the carceral state as an answer is to frame intimate violence as interpersonal harm between a perpetrator and survivor, and in many respects, it certainly is. But such a crime-centered frame “makes invisible the ways in which structural inequalities—many of which are the product of state action—make some [people] more vulnerable to violence and some more likely to use violence.”⁷⁰ By decontextualizing and depoliticizing intimate violence, carceral responses limit the possibilities

right to prosecute non-Native perpetrators of intimate violence and increased protections for migrants and LGBTQ+ people. In the opinion of Tonya Lovelace, director of the Women of Color Network, “Women of color in the anti-violence movement pushed these amendments strongly,” viewing them as incremental steps to improving the law. But while this provision grants more power to Native survivors, it does so with the expectation that they will adhere to Anglo-American criminal procedures, thus further assimilating tribal practices of justice.

⁶⁷ Modi et al., “The Role of Violence,” 254.

⁶⁸ See Leigh Goodmark, “The Violence Against Women Act is unlikely to deter domestic violence—here’s why,” Public Radio International, October 23, 2018, <https://pri.org/stories/2018-10-23/violence-against-women-act-unlikely-deter-domestic-violence-heres-why>.

⁶⁹ Donna Coker and Ahjané D. Macquoid, “Why Opposing Hyper-Incarceration Should Be Central to the Work of the Anti-Domestic Violence Movement,” *University of Miami Race & Social Justice Law Review* 5, no. 2 (2015): 593. As Coker and Macquoid articulate, “Framing violence against women as a criminal issue [...] inevitably narrows the framework for understanding the scope, causes, consequences, and remedies for violence.”

⁷⁰ Coker and Macquoid, 593.

of a future in which the conditions of being—the contexts and politics that shape our world and, yes, the violence that occurs within it—are transformed.

To the contrary, through initiatives such as mandatory arrests and the doubling of penalties for repeated sex offenders, VAWA “reforms” carceral state institutions such as policing, institutions that have long been violent against women, trans and gender-nonconforming people, people of color, poor people, migrants, and dis/abled people, among others. These reforms, however, do not ultimately reduce intimate violence; in fact, social science research demonstrates that “many of the negative results of [incarceration] are linked to increased risks for [intimate] violence.”⁷¹ Indeed, one’s involvement with the carceral state has profound consequences⁷² that may lead perpetrators to commit further acts of intimate violence.⁷³ For communities historically and contemporaneously threatened and brutalized by the police, mandatory arrests present dangerous consequences, particularly for women of color and low-income women.⁷⁴ These increased arrest and incarceration rates, in turn, increase the likelihood that a perpetrator will murder a survivor.⁷⁵ But these arrest and incarceration rates do not just apply to perpetrators; in dual-arrests, police apprehend not just the intended perpetrators, but also survivors.⁷⁶ Moreover, mandatory arrests expose undocumented migrants—who are already at

⁷¹ Coker and Macquoid, “Why Opposing Hyper-Incarceration Should Be Central,” 598.

⁷² See Goodmark, “The Violence Against Women Act.” Goodmark offers a variety of data that contradicts VAWA’s assumptions that the law is a deterrent for intimate violence, including criminalization’s impact on under and unemployment, the trauma of incarceration, and the carceral state’s contributions to community instability.

⁷³ See SpearIt, “Gender Violence in Prison & Hyper-masculinities in the ‘Hood: Cycles of Destructive Masculinity,” *Washington University Journal of Law & Policy* 37 (2011): 89-147. SpearIt illustrates the carceral state’s role in cycles of hyper-masculinity, citing prisons as reproductions of destructive masculinity and understanding interactions with the carceral state to potentially increase likelihood for such masculinity to manifest as intimate violence.

⁷⁴ Gita R. Mehrotra, Ericka Kimball, and Stéphanie Wahab, “The Braid That Binds Us: The Impact of Neoliberalism, Criminalization, and Professionalization on Domestic Violence Work,” *Affilia: Journal of Women and Social Work* 32, no. 2 (2016): 157.

⁷⁵ Mehrotra, Kimball, and Wahab, 157.

⁷⁶ David Hirschel, Eve Buzawa, April Pattavina, and Don Faggiani, “Domestic Violence and Mandatory Arrest Laws: To What Extent Do They Influence Police Arrest Decisions?,” *The Journal of Criminal Law and Criminology* 98, no. 1 (2007): 256.

greater risk of intimate violence and may be “vulnerable in particular ways because of their precarious legal standing, language barriers, lack of access and understanding of the U.S. social and legal systems, [...] and economic precarity”⁷⁷—to potential deportation upon interacting with the police.⁷⁸

Indeed, police may subject survivors to further violence. Take the story Victoria Law tells of Cherie Williams, a Black woman from the Bronx. In 1999, Williams called 911 to protect herself from her abusive boyfriend, expecting the police to protect her. In her case, the police did not complete the mandatory arrest Williams expected; they did not even leave their car. When Williams demanded their badge numbers, she was handcuffed, driven to a deserted parking lot, and beaten. The police left her bleeding on the asphalt with a broken nose and jaw, and a ruptured spleen.⁷⁹ The violence against Williams, perpetrated both by her boyfriend and the police, occurred just five years after the VAWA of 1994.

I join Law in sharing Williams’s story for a few reasons. First and foremost, I do not want to approach intimate violence, nor carceral state violence—nor the instances in which they are co-constituted—through an exclusively theoretical perspective; these horrors are indeed the lived experiences of many. Secondly, I am compelled to emphasize VAWA’s relationship to such harm not solely as a legislative document. VAWA’s impacts, intended or not, merit critical attention. Williams’s story urges queries such as: Who is awarded VAWA’s promised protection? Who is granted safety? In response to the affective slurry of fear and moral panic surrounding intimate violence, VAWA delimits its parameters of protection and safety through

⁷⁷ Whittier, “Carceral and Intersectional Feminism,” 793.

⁷⁸ See Emily Sellers, “Access to Justice for Undocumented Immigrant Victims of Domestic Violence,” *University of Missouri-Kansas City Law Review* 84, no. 2 (2015): 543-573. Sellers presents the barriers undocumented migrant survivors face when attempting to pursue the punitive justice VAWA propagates.

⁷⁹ Victoria Law, “Against Carceral Feminism,” *Jacobin Magazine*, October 17, 2014, <https://jacobinmag.com/2014/10/against-carceral-feminism>.

the punitive. The expectation that the carceral state can support survivors is, as I have argued, a cruelly optimistic expectation. But it is imperative to remind ourselves that this optimism is better grasped, more tenable and less cruel for the white and otherwise privileged few. Carceral feminism, as engendered by anti-violence legislation such as VAWA or by anti-violence nonprofit organizations such as RAINN, as I discuss in Chapter 2, perplexingly—and, indeed, perilously—positions state violence as redress from intimate violence.

Chapter 2: RAINN's Website: The Epistemic and Affective Justification of Punishment

In 1994, Scott Berkowitz founded the nation's largest anti-violence nonprofit organization, the Rape, Abuse & Incest National Network (RAINN).⁸⁰ Throughout the past 25 years, RAINN has “helped 3 million survivors and their loved ones,” primarily through operating the National Sexual Assault Hotline and the Department of Defense Safe Helpline—anonymous, confidential, and free support services—in partnership with more than 1,000 local sexual violence service providers across the nation.⁸¹ The reach of RAINN's services and its emergence in a pivotal moment of carceral feminism are indicative of its lasting presence in anti-violence work. But I am most curious to understand how this quarter-century of history is organizationally embodied in RAINN's present configuration, and I thus use its website as my primary site of inquiry. As the most robust and easily accessible source of information on the organization, the website implores critical attention and raises questions such as: How does RAINN's website, as a pedagogical platform, communicate the organization's work to its visitors? Moreover, how does its content serve to justify or legitimize RAINN's status as a carceral feminist organization?

Methodologically, I am interested in the dialectical relation between the website and any given visitor, the knowledge that it produces and the implications this holds for how those who navigate its pages may think or feel about intimate violence, justice, and healing. As I have claimed, discourse is not objective; our epistemic dispositions do not exist in abstraction from affect. Indeed, throughout my analysis of RAINN's website, I yet again affirm Ruth Leys's notion that our beliefs are influenced by “subliminal affective intensities and resonances.”⁸² Guided by the imperative to attend to the affective forces impacting epistemic beliefs, I examine

⁸⁰ Albeit not directly attributed to the enactment of VAWA, RAINN's founding was certainly of the same social and political climate in which the law was enacted.

⁸¹ RAINN, “About RAINN,” 2019, <https://rainn.org/about-rainn>.

⁸² Leys, “The Turn to Affect,” 436.

the semiotic power of the website's variety of rhetoric to interpret its discursive purpose. In my analysis, I maintain that the website serves as an educational resource that teaches visitors about intimate violence, justice, and healing through a carceral framework. But this lesson is not devoid of emotion; in instructing visitors about the epistemic basis of RAINN's carceral feminist agenda, the website persuades them to endorse this agenda through affective appeals.

I employ a discourse analysis of texts and visuals from select portions of the website, beginning with RAINN's funding, leadership, and mission statement. RAINN's list of corporate partners makes evident the specific capillaries of revenue that sustain its work and the broader system of the nonprofit industrial complex in which it participates, further demonstrated by its leadership. These partners make possible the implementation of RAINN's mission statement, which rhetorically establishes the carceral divide between justice and healing that characterizes the organization. I understand the carceral divide as, by definition, at once a siloing of and interdependence between processes of punitive justice and healing.

In the carceral divide, healing follows punishment. I replicate this order in my writing, concentrating on the emphasis on punishment in RAINN's programs and public policy efforts here in Chapter 2 and shifting to healing as demonstrated by its Speakers Bureau in Chapter 3. My overview of RAINN's programs is brief; at length, I instead discuss how RAINN justifies its carceral focus through infographics that relay data on intimate violence. Through affective persuasions of urgency, fear, and moral panic, the infographics urge visitors of RAINN's "Statistics"⁸³ page to yearn for the punishment of perpetrators advocated for by RAINN's programs. Finally, I devote my attention to RAINN's "Public Policy & Action" page, a collection of information on its policy issues, from preserving DNA evidence to allocating funds

⁸³ The National Crime Victimization Survey, an annual study conducted by the Justice Department, is the primary data source of the statistics that RAINN cites.

to federal anti-violence laws. Rather than ponder how RAINN describes these political projects, I take the opportunity to understand how it legitimizes its policy involvements in the “Lawmakers Making a Difference” page, where ample testimonials from Senators and Representatives assert the organization’s political importance and efficacy.

Any given visitor of RAINN’s website may scan the list of corporate partners, or click on “About RAINN” to find its mission statement, or browse the “Statistics” page, or scroll through the many testimonials from Senators and Representatives. As they wade through the pages’ content, they learn about and interact with the epistemic underpinnings of RAINN’s carceral feminist agenda. They may discover infographics that lobby for punishment, fomenting temporal urgency for faster, more frequent incarcerations, inciting fear of the “vast majority” of perpetrators who “walk free,” and amplifying moral panic surrounding perpetrators who have prior convictions.⁸⁴ A visitor of RAINN’s website may also encounter quotes from politicians such as Senators Bob Casey and Orrin Hatch that join the numerical data with their words, rallying for the carceral state to respond to intimate violence, whether by passing legislation such as VAWA or “[strengthening] law enforcement tools.”⁸⁵ Together, I contend that these elements of RAINN’s website delimit the epistemic boundaries of its carceral feminist agenda just as they stoke affects—of urgency, of fear, of panic—so that its visitors may ultimately adopt a belief in punishment as justice.

Funding and Mission Statement

RAINN is funded through a grant from the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. This information is found through a link to a “Federal

⁸⁴ RAINN, “The Criminal Justice System: Statistics,” 2019, <https://rainn.org/statistics/criminal-justice-system>.

⁸⁵ RAINN, “Lawmakers Making a Difference,” 2019, <https://rainn.org/lawmakers-making-difference>.

Funding Disclaimer” at the bottom of the website, a simple paragraph explaining the organization’s financial relationship to the United States federal government. By contrast, the “About RAINN” section devotes an entire page, equipped with colorful logos, to its “Corporate Partners.” I focus on these partnerships not only because they are more prominently advertised on the website, but also because they further corroborate RAINN’s ties to the carceral state.

The “Corporate Partnerships” page lists 21 organizations, including global law firm Hogan Lovells, political campaign strategy agency Penn Schoen Berland, and SABRE, the “#1 pepper spray trusted by police.”⁸⁶ While there are far more companies than those I have listed, I highlight these donors because they represent the legal, political, and policing industries that RAINN is beholden to, pointing to what Loïc Wacquant describes as “the punitive and panoptic logic that propels criminal justice [which] seeps into and erodes the shielding capacities of the welfare sector.”⁸⁷ Under neoliberalism and the diminishment of state welfare, nonprofits have emerged as a substitute. In this sense, Wacquant’s description of the erosion of the welfare sector exacts a discussion of the nonprofit industrial complex, the “symbiotic corollary” of the carceral state.⁸⁸ As defined by the transformative justice coalition INCITE!, the nonprofit industrial complex is a system of relationships between the state, the owning classes, foundations, and nonprofit social service and social justice organizations “that results in the surveillance, control, derailment, and everyday management of political movements.”⁸⁹ Dean Spade likewise remarks that nonprofitization confronts oppositional organizations that “prioritize people of color leadership, often operate collectively, are often [membership-based], and believe in being

⁸⁶ SABRE, “Buy Pepper Spray Online,” 2019, <https://sabrered.com>.

⁸⁷ Loïc Wacquant, “Crafting the Neoliberal State: Workfare, Prisonfare, and Social Insecurity,” *Sociological Forum* 25, no. 2 (2010): 201.

⁸⁸ Heiner and Tyson, “Feminism and the Carceral State,” 19.

⁸⁹ INCITE!, “Beyond the Non-Profit Industrial Complex,” 2019, <https://incite-national.org/beyond-the-non-profit-industrial-complex>.

accountable to local directly affected populations rather than having their goals and strategies determined by philanthropists' preferences."⁹⁰ In other words, oppositional organizations are decidedly antithetical to the nonprofit industrial complex; they eschew nonprofitization and its reliance upon the state.

RAINN, however, is ensconced within the carceral state. By nearly all accounts, RAINN fits Spade's description of punitive justice organizations, which tend to be "run by professionals (often lawyers), focused on litigation and policy reform, disproportionately white led, overseen by boards of directors populated by philanthropists and other members of elite sectors, and primarily proposing reforms that line up with and legitimize systems of harm and violence by making slight surface reforms."⁹¹ Berkowitz, RAINN's President since 1994, is a professional with a background in media start-ups, acquisitions and management, publishing, and political training and campaigns.⁹² Senior Leadership is 80 percent white; the Board of Directors is predominantly comprised of philanthropists and federal and state government employees.⁹³ And as the following sections demonstrate, RAINN's programs and policies alike focus on anti-violence litigation, thereby legitimizing the carceral state as a means for redress.

As such, RAINN exemplifies the "unsavory alliance"⁹⁴ between the carceral state and nonprofits, beginning with its mission statement: "RAINN [...] carries out programs to prevent sexual violence, help survivors, and ensure that perpetrators are brought to justice."⁹⁵ The rhetorical slippage in this last phrase frames justice not as something to be brought to the survivor, but instead as a punishment to be exerted over a perpetrator. The carceral divide in

⁹⁰ Dean Spade, "Being Together, after Nonprofitization," *Women's Studies Quarterly* 41, no. 3/4 (2013): 248.

⁹¹ Spade, "Being Together," 248.

⁹² RAINN, "Leadership and Governance," 2019, <https://www.rainn.org/leadership-and-governance>.

⁹³ RAINN, "Scott Berkowitz, President," 2019, <https://www.rainn.org/scott-berkowitz-president>.

⁹⁴ Spade, "Being Together," 247.

⁹⁵ RAINN, "About RAINN."

RAINN's mission reverberates within its organizational structure, a bifurcation between their perpetrator, justice-oriented programs and policies and their survivor, healing-oriented Hotlines that I discuss in Chapter 3. In engaging with the carceral divide, I recognize that punishing the perpetrator can very well be a survivor's inclination or decision, and may serve their affective wants and needs. Nevertheless, I approach the carceral divide between justice and healing as a site for critique. Fulfilling affective desires, while certainly important on an interpersonal level, holds little promise in changing the fundamental conditions of intimate violence.

Programs and Infographics: Fearing Perpetrators, Urging Punishment

RAINN's programs center on educating the public to "raise the visibility of sexual violence and advance the public's understanding of the crime."⁹⁶ To do so, RAINN "work[s] with the media, entertainment industry, and colleges across the country [...] provid[ing] accurate information about sexual violence prevention, prosecution, and recovery."⁹⁷ In this rhetoric, RAINN's epistemic perspective of redress triages into a before (prevention), during (prosecution), and after (recovery), effectively implying that to heal, there must be punishment. Indeed, this reflection of the carceral divide that, first and foremost, prioritizes punishment, is similarly present in RAINN's countless news articles⁹⁸ that cover high-profile legal cases and its efforts to train clients to develop education and response programs "based on leading research, regulatory guidance, and state and federal laws."⁹⁹ In short, RAINN's programs are fixated on carceral responses to intimate violence.

⁹⁶ RAINN, "Programs and Expertise," 2019, <https://rainn.org/programs-and-expertise>.

⁹⁷ RAINN, "Programs and Expertise."

⁹⁸ See RAINN, "News," 2019, <https://rainn.org/news>.

⁹⁹ RAINN, "Programs and Expertise."

Rather than discuss in depth the programs themselves, I interrogate the *justification* behind their existence. How, in other words, does RAINN argue for the necessity for programs that facilitate punitive justice? I seek an answer in the numbers—or, better put, the representation of numbers—provided on RAINN’s website. To return to RAINN’s duty to educate the public, one palpable way the organization makes intimate violence visible is through infographics, a pedagogical medium that intends to advance a reader’s understanding of perhaps esoteric data.



Figure 1. “Statistics.”¹⁰⁰

The above introduction to RAINN’s “Statistics” page appeals to affects of not just fear of the perpetrators of intimate violence who harm so many Americans, but also foments a temporal urgency to stop them. By framing intimate violence in the context of time—“92 seconds,” “9 minutes,” “every day”—RAINN renders redress a race against the (quite literally depicted) clock. Directly after the description of intimate violence, a harm that happens petrifyingly often, RAINN laments, “only 5 out of every 1,000 perpetrators will end up in prison.”

¹⁰⁰ RAINN, “Statistics,” 2019, <https://rainn.org/statistics>.

The Vast Majority of Perpetrators Will Not Go to Jail or Prison

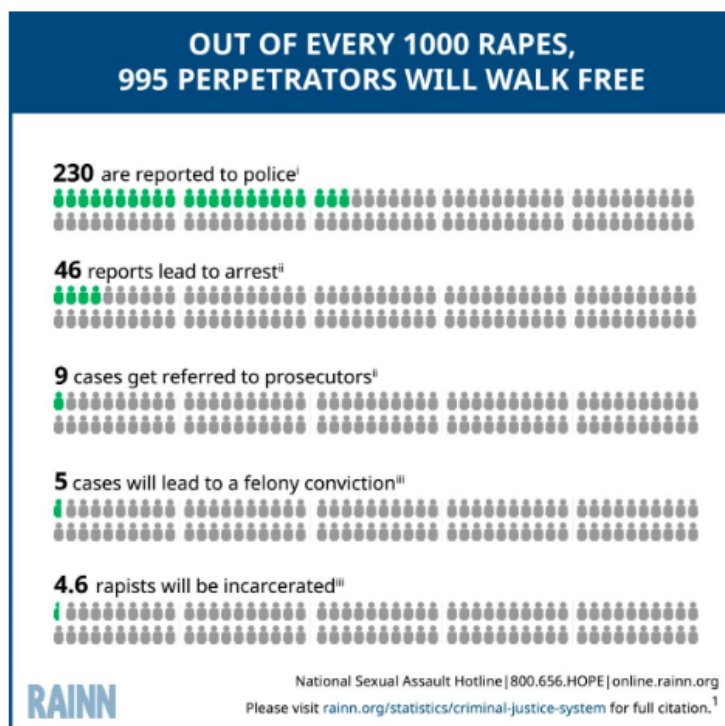


Figure 2. “The Vast Majority of Perpetrators Will Not Go to Jail or Prison.”¹⁰¹

Put in different words and imagery, “out of every 1,000 rapes, 995 perpetrators will walk free.” Similar to the data about the frequency of intimate violence, the descending numbers—from 230 police reports to 4.6 incarcerations—communicate the rarity of “winning” this race against the clock, against the “vast majority of perpetrators.” Visually, the sea of gray that denotes the perpetrators “free” from punishment incites affects of urgency and fear, implying that survivors should indeed contact the police to better their statistical odds at procuring justice. But as the infographic further denotes, justice itself—arrest, prosecution, conviction, incarceration—should be bettered, reformed through RAINN’s programs.

¹⁰¹ RAINN, “The Criminal Justice System.”

While RAINN cites reasons survivors choose or do not choose to report, they are listed in bullet points at the end of the page.

Reasons Victims Choose to Report—or Not

Of the sexual violence crimes reported to police from 2005-2010, the survivor reporting gave the following reasons for doing so:⁵

- 28% to protect the household or victim from further crimes by the offender
- 25% to stop the incident or prevent recurrence or escalation
- 21% to improve police surveillance or they believed they had a duty to do so
- 17% to catch/punish/prevent offender from reoffending
- 6% gave a different answer, or declined to cite one reason
- 3% did so to get help or recover loss

Of the sexual violence crimes not reported to police from 2005-2010, the victim gave the following reasons for not reporting:⁵

- 20% feared retaliation
- 13% believed the police would not do anything to help
- 13% believed it was a personal matter
- 8% reported to a different official
- 8% believed it was not important enough to report
- 7% did not want to get the perpetrator in trouble
- 2% believed the police could not do anything to help
- 30% gave another reason, or did not cite one reason

Figure 3. “Reasons Victims Choose to Report—or Not.”¹⁰²

Buried under three infographics about how “perpetrators of sexual violence are less likely to go to jail or prison than other criminals” and without a visual representation of its data, “Reasons Victims Choose to Report—or Not” appears to be an afterthought, reflecting the carceral divide. By way of its location on the page and lack of optical allure, the list is, literally and figuratively, secondary to the urgency of punishing perpetrators. If RAINN’s primary focus is on increasing the incarceration of perpetrators, then the implication is that we must decrease barriers to reporting. To do so, RAINN centers carceral state reforms, as demonstrated in the “The Vast Majority of Perpetrators Will Not Go to Jail or Prison” infographic. Reforms may attend to the 13 percent of survivors “who believed the police would not do anything to help.” However, many survivors do not report for reasons beyond the flaws of the carceral state; 20 percent

¹⁰² RAINN, “The Criminal Justice System.”

“feared retaliation,” 7 percent “did not want to get the perpetrator in trouble.” For the vast majority of survivors that do not report, and for the many whose ideas of justice or healing might lie beyond RAINN’s punitive horizons, improvements upon the carceral state offer little help.

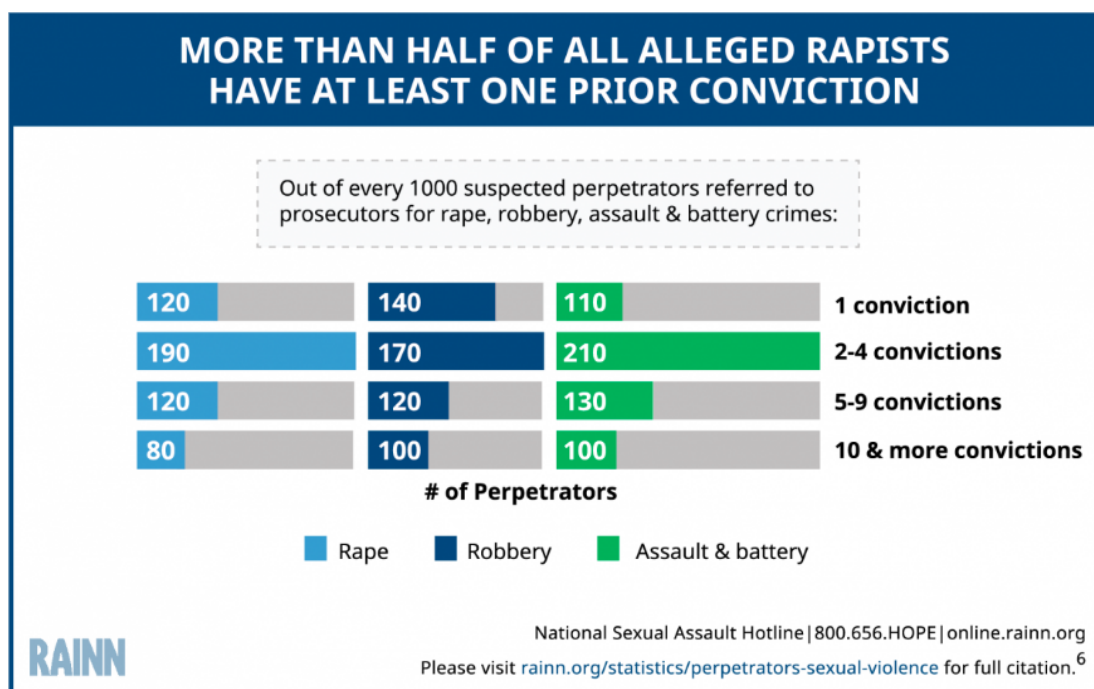


Figure 4. “More Than Half of All Alleged Rapists Have at Least One Prior Conviction.”¹⁰³

The “Prior Convictions” infographic advances the relationship between the problem of intimate violence and the proposed solution of jails and prisons, showing that over half of all alleged rapists have at least one prior conviction. Fear, according to this infographic, must not only be directed at a person’s capacity to inflict intimate violence, but also their seemingly high likelihood of other criminalized behaviors, including robbery, assault, and battery. The scale of these bar graphs leads viewers to misinterpret the pervasiveness of repeated social harms. While, for example, 170 of every 1,000 perpetrators have two to four convictions for robbery, these 170 people fill an entire bar dark blue; 17 percent becomes 100 percent. In so doing, RAINN

¹⁰³ RAINN, “Perpetrators of Sexual Violence: Statistics.” RAINN, 2019, <https://rainn.org/statistics/perpetrators-sexual-violence>.

amplifies the moral panic that already surrounds perpetrators of intimate violence, ever the more affectively strengthening the case for incarceration.

Assisted by such empirical justification, RAINN crafts a cogent case for the carceral interventions its programs prioritize. Through the temporal gravity with which it introduces the “Statistics” page, compounded by infographics’ references to the low rate of incarcerating rapists and the seemingly extremely high rate of prior convictions, I ascertain that RAINN intends to rouse affects such as urgency, fear, and moral panic in its website’s visitors. Specifically, RAINN’s presentation of data works to persuade those who interpret these infographics to quell such affects with the satisfaction of punishing perpetrators. As RAINN’s funding and carceral feminist mission statement elicit, and as these infographics further indicate, an increase in incarceration is the organization’s basal goal.

Public Policy: “Lawmakers Making a Difference”

By and large, the data RAINN cites exposes the carceral state’s failure to punish perpetrators of intimate violence. Recognizing this ineffectiveness, “RAINN’s policy team works at the federal and state level to improve the criminal justice system, prevent sexual assault, and ensure justice for survivors.”¹⁰⁴ Such justice—to be explicit, punitive justice—is ensured through RAINN’s policy deeds, ranging from creating and advocating “for laws and regulations that make communities safer and support survivors” to maintaining the “Laws in Your State” database, “the most up-to-date source of information for students, lawmakers, and others seeking to understand sexual violence laws across the nation.”¹⁰⁵ In sum, RAINN anchors their policy actions in a sea of carceral feminist reforms.

¹⁰⁴ RAINN, “Programs and Expertise.”

¹⁰⁵ RAINN, “Programs and Expertise.”

RAINN's scope of policy certainly merits an analysis, but here, I examine how those who create these "laws and regulations" characterize RAINN. Just as I am interested in how RAINN's infographics justify the carceral state as a site of redress, so too am I interested in how political actors legitimize RAINN as a carceral feminist organization. On the "Lawmakers Making a Difference Page," RAINN features testimonials of members of the United States Congress, some 59 Senators and Representatives in total. Featuring quotes from both Democratic and Republican parties, "Lawmakers Making a Difference" further solidifies RAINN's symbiotic relationship with the carceral state, exemplified¹⁰⁶ in the following quotes from Senator Bob Casey (D-PA) and Senator Orrin Hatch (R-UT).¹⁰⁷



"We must do all we can to prevent sexual violence from occurring, to help victims receive the help and support they need and to punish the perpetrators of these crimes. Since my days in state government, I have advocated on behalf of the victims of sexual assault. I am grateful to RAINN's shared commitment to this work. I look forward to working with RAINN to pass legislation such as the reauthorization of the Violence Against Women Act and passage of the Campus Sexual Violence Elimination Act. "

SEN. BOB CASEY, D-PA

*Figure 5. "Senator Bob Casey."*¹⁰⁸

Casey frames the redress for intimate violence as two-fold: 1) to "help victims receive the help and support they need"; and 2) "to punish the perpetrators of these crimes" through

¹⁰⁶ I reviewed all interviews and testimonials from "Lawmakers Making a Difference" and found consistent patterns.

¹⁰⁷ As I mention in Chapter 1, Senator Orrin Hatch has a well-established carceral feminist history beyond the testimonial he offers RAINN. Along with Senator Joe Biden, Hatch spearheaded the original VAWA of 1994.

¹⁰⁸ RAINN, "Lawmakers Making a Difference."

legislation such as VAWA or the Campus Sexual Violence Elimination Act, which mandates university transparency about instances of intimate violence and sets protocol for disciplinary proceedings. But more than frame reactive legislative measures as capable of redress, Casey frames them as able to “prevent sexual violence from occurring,” illuminating his epistemic belief that carceral reforms can preclude harm. While this may not be Casey’s intention, the separation of punishing perpetrators and supporting survivors reasserts the carceral divide in which a perpetrator’s suffering precedes a survivor’s healing.



“I continue to work in the United States Senate to ensure that our nation’s laws safeguard Utahns, as well as all Americans, and ensure that the needs of victims and the interests of justice are served. I am committed to being a voice for citizens who fall prey to sexual assaults, and I will continue to advocate for laws that bring sex offenders to justice and strengthen law enforcement tools and resources, such as RAINN’s National Sexual Assault Hotlines. ”

SEN. ORRIN HATCH, R-UT

Figure 6. “Senator Orrin Hatch.”¹⁰⁹

Similarly, note that Hatch’s language reaffirms the chasm between the “needs of victims” and the “interests of justice.” By way of mentioning signifiers of Americanness—“United States Senate,” “Utahns,” “Americans,” “Citizens”—Hatch further extends his epistemology of justice as one of the defining characteristics of the nation. Hatch is not mistaken; punitive justice is, as I have established, justice in the United States. Hatch urges a bolstering of already-existing carceral state resources; he “advocate[s] for laws that bring sex offenders to justice”—language

¹⁰⁹ RAINN, “Lawmakers Making a Difference.”

nearly identical to RAINN's mission—and for “[stronger] law enforcement tools and resources,” including RAINN's Hotlines.

In essence, the anti-violence legislation encouraged by Casey, Hatch, and RAINN alike is nearly wholly preoccupied with punishing perpetrators. This focus is not unique to the “Lawmakers Making a Difference” page; as the list of corporate partners, mission statement, and infographic communication of data on intimate violence similarly illustrate, RAINN is an undeniably carceral feminist organization. By employing discourse analysis to each of these textual and visual facets of its website, I am able not just to critique the RAINN's dependence upon the carceral state—though there is certainly value in doing so—but also debate the semiotic power in how the organization represents itself and its work. Pedagogically, its website's content delimits, justifies, and legitimizes the epistemic boundaries of its carceral feminist agenda. But RAINN's presentation of seemingly “objective” information—from empirical data to powerful politicians' words—also aspires to stoke affects in its visitors. By inciting urgency, fear, and panic, the website's discursive role is more than educational; it is also persuasive, ultimately coaxing those who peruse its pages to adopt a belief in punishment as justice.

Chapter 3: Survivor Confessionals and the Limits of Healing

As I have elaborated, the carceral divide takes organizational form in RAINN. In Chapter 2, I focus on justice, or punishment, through a discourse analysis of RAINN's website through its corporate partners, leadership, and mission statement; its infographics communication of data on intimate violence; and Senators Bob Casey and Orrin Hatch's testimonials. Epistemically, RAINN is what Dean Spade calls a "punitive justice organization," taking a carceral feminist stance that asks for reformation rather than transformation of "systems of harm and violence," particularly the carceral state.¹¹⁰ But I understand that RAINN, as a punitive justice organization, also promises healing through punishment. This chapter is a careful interrogation of this promise, a distinct facet of its work. Here, through further discourse analysis of RAINN's website and an affective analysis of its YouTube channel, I consider healing as articulated in the Speakers Bureau, a collection of over 1,900 survivors who volunteer to share their stories with the public through "media interviews, local speaking opportunities, school events, art and projects and other creative endeavors."¹¹¹

In my analysis of the Speakers Bureau, I consult the Speakers Bureau Application, a form written by RAINN that further elucidates the nuances of the carceral divide, before engaging with the Survivor Series YouTube playlist, a collection of survivors' disclosures, or confessions, of experiences with intimate violence. Through their epistemic and affective appeals, these select components of the Speakers Bureau further expound the carceral divide's understanding of punishment as capable of healing trauma. Engaging with these select components of the Speakers Bureau, I aver that RAINN's rhetorics of healing, like those the organization provides on justice, ultimately reify the epistemic validity of its carceral feminist agenda and affectively

¹¹⁰ Spade, "Being Together," 248.

¹¹¹ RAINN, "Speakers Bureau," 2019, <https://rainn.org/join-rainn-speakers-bureau>.

compel its audience to interpret carceral feminist measures to be imperative, advantageous approaches to harm.

The Speakers Bureau Application

To join RAINN’s Speakers Bureau, one must first be accepted. The Speakers Bureau Application that screens potential survivors has five sections: “About You”; “Sharing Your Story”; “Information About Your Experience”; “Disclosure and Reporting”; and “Healing and Recovery.” “About You” includes basic biographical information such as name, gender, date of birth, race/ethnicity, and occupation. Similarly, “Information About Your Experience” prompts survivors to enter minutia about their experience.

What type of sexual violence did you experience? *If you are a survivor of multiple assaults or instances of abuse, we ask that you please list these experiences separately via multiple forms. You can add another from at the end of Section 3.*

☐ Rape/Sexual Assault
☐ Child Sexual Abuse
☐ Intimate Partner Violence
☐ Multiple Perpetrator Sexual Assault
☐ Other

Other

How old were you when the assault or abuse began/occurred?

Where did the assault or abuse occur? *For example, home, school, public place, etc.*

In what city and state did the assault or abuse occur?

Duration of the assault or abuse: ☐ Once ☐ Repeated ☐ Currently Ongoing

Perpetrator(s):

☐ Friend/Acquaintance
☐ Family Member
☐ Intimate Partner (such as a spouse or partner)
☐ Stranger
☐ Helping Professional (teacher, doctor, religious leader, etc.)
☐ Other

Other

Figure 7. “Information About Your Experience.”¹¹²

By contrast, the following sections more explicitly represent RAINN’s carceral feminist orientation. “Sharing Your Story” gauges a survivor’s comfort with disclosure, first asking, “Have you ever spoken publicly about your experience?” However, this wide query swiftly

¹¹² RAINN, “Speakers Bureau.”

narrows, measuring a survivor’s utility to RAINN’s investments in punitive justice: “Have you ever been involved with efforts to change or pass legislation? Are there any specific policy areas or topics that you especially want to advocate for? *For example, a particular piece of legislation, campus safety, reporting, etc.*” This is not to say that anti-violence legislation or policy areas such as campus safety are not of value, but instead further confirms that RAINN frames survivors’ stories within a legislative and policy framework, made ever the more overt in the “Disclosure and Reporting” section.

Did you receive a sexual assault forensic exam (commonly known as a “rape kit”)? ☐ Yes ☐ No

If yes, where was the exam conducted? (City, State)

Was the evidence tested by a lab? ☐ Yes ☐ No ☐ Don't Know

Did the testing identify a perpetrator(s)? ☐ Yes ☐ No ☐ Don't Know

Did you report the incident(s) to police? ☐ Yes ☐ No

If no, why did you choose not to report?

If yes, was an arrest made? ☐ Yes ☐ No

If yes, how long after the experience did a trial take place/was a plea bargain reached?

Was the perpetrator(s) convicted? ☐ Yes ☐ No

Additional details:

Did you report to any other authorities? For example, campus police or Child Protective Services ☐ Yes ☐ No

If yes, what was the result of that experience?

Were you prevented from seeking justice by any other factors, such as the Statute of Limitations?

Is there any additional information you'd like to share regarding the reporting process?

To your knowledge, did the perpetrator(s) have any additional encounters with the criminal justice system? ☐ Arrests ☐ Convictions ☐ Unknown

Figure 8. “Disclosure and Reporting.”¹¹³

¹¹³ RAINN, “Speakers Bureau.”

Regardless of the fact that all questions are optional, such a lengthy section dedicated to reporting splits into distinct yet interrelated functions: firstly, it reinforces RAINN's dependency on the carceral state as *the* path to justice; secondly, it compels a survivor to reflect upon their past or present experiences of violence through the lens of reported or unreported. In RAINN's presentation, there is an implicit association of reporting as taking action; being the active, agential survivor. Questions begin with "Did you..." in which action—toward justice, toward healing—is located within the domain of getting a sexual assault forensic exam, reporting to the police or other authorities, and ultimately, convicting the perpetrator(s). In this sense, punishment is a medium toward healing. Only once does RAINN ask, "If no, why did you choose not to report?" Though a survivor may explain their decision not to report, in positioning reporting as a proxy to justice, RAINN thereby positions survivors who answer "no" as outside their epistemic realm of possible justice.

RAINN continues to inquire, "Were you prevented from seeking justice by any other factors, such as the Statute of Limitations?" Discursively, RAINN describes obstacles to justice such as Statutes of Limitations. In so doing, RAINN frames justice as punitive, part of the criminal justice field. In the final section, "Healing and Recovery," after a series of questions relating to disclosure, not to the police but family or friends, RAINN asks, "Has anyone been especially helpful with your healing or criminal justice process? *For example, a friend, family member, SANE nurse, police officer, counselor, etc.*" As indicated by the "or," the criminal justice process is distinct from healing. But the carceral divide between justice and healing is not absolute; it intersects in the sense that punishment can lead to healing. RAINN's phrasing clarifies this relationship; the people listed, from the healing-associated "*friend*" to justice-

associated “*police officer*” could be “helpful” with either the “healing or criminal justice process.”

By envisioning the possibility of justice “or” healing—while maintaining the two as separate processes—as flexible in the subjectivities they inhabit, RAINN simultaneously grants the carceral divide a moment of unison. I mention this moment not because I consider punitive justice to integrate justice and healing, but because RAINN’s “*For example...*” list emphasizes the level at which punitive justice operates. This integration may occur interpersonally—indeed, *intrapersonally*, within a single subject; perhaps the justice facilitated between a survivor and a police officer is healing and, thus, perhaps the police officer themselves provides both justice and healing. I realize that punishing a perpetrator may bring a survivor justice, yet when such justice is solely an inter/intrapersonal practice rather than a systemic questioning and transformation of the conditions that conduce intimate violence, it is unlikely to heal survivors’ communities, let alone greater society.¹¹⁴ In other words, justice and healing, when individualized, may well be affectively or otherwise achieved through punishment. Nevertheless, it is the cruelly optimistic essence of carceral feminism that thwarts healing. To view the carceral state as both the means and ends of justice is to erode the possibility of collective engagement, of community and systemic accountability to prevent, intervene, and offer redress from intimate violence.

Survivor Series

RAINN’s Speakers Bureau, accessed through the “Get Involved” tab on its website, starkly lacks narrative space devoted to justice. It is in these disclosures of experiences with

¹¹⁴ This is a complicated position to take. By no means is it a survivor’s imperative to orient their own processes of justice and healing within the context of the “greater good.” Nevertheless, a central tension arises from my critical engagement with carceral feminism: I realize that while survivors may not need to consider collective liberation when they seek justice, collective liberation may not be reached through so many individuals’ turns toward the punitive. I offer further thoughts on this dilemma in the Conclusion.

intimate violence, these confessions available to anyone who visits RAINN's website, that the carceral divide—the separation of justice and healing—illustrated by the Speakers Bureau Application widens. While some stories are available as blog posts, I focus on the few that are posted on the RAINN Survivor Series YouTube playlist, a campaign that “encourages those impacted by sexual violence to reach out for help through the National Sexual Assault Hotline.”¹¹⁵ On the playlist, seven survivors—Adam, Barbara, Debra, Julianna, Keith, Lucy, and Samentha—recount their trauma in both a thirty-second and a minute-long¹¹⁶ video clip.



Figure 9. “Survivor Series Members.”¹¹⁷

Before I discuss the videos in further detail, it bears mentioning that while intimate violence has affects and effects beyond trauma, trauma often is a critical interlocutor in experiences of harm. I employ trauma theory as a means to understand and critically approach the Survivor Series narratives with interest in their broader intimations. I defer to Bonnie Burstow's definition of trauma as it urges a substantial break with psychiatry, encouraging a rigorous demedicalization of affect.¹¹⁸ Burstow writes, “Trauma is a not a disorder but a reaction to a kind of wound. It is a reaction to profoundly injurious events and situations in the real world

¹¹⁵ RAINN, “RAINN Survivor Series,” April 16, 2016, <https://rainn.org/survivorseries>.

¹¹⁶ There are negligible differences between the thirty-second and minute-long videos, and I thus analyze the longer videos simply because they provide more material.

¹¹⁷ RAINN, “Speakers Bureau.” From left to right: Lucy, Keith, Barbara, Julianna, Debra, Adam, and Samentha.

¹¹⁸ Bonnie Burstow, “Understanding Trauma: Toward a Radical Understanding of Trauma and Trauma Work,” *Violence Against Women* 9, no. 1 (2003): 1301.

and, indeed, to a world in which people are routinely wounded.”¹¹⁹ An acknowledgment of such a world of routine wounds both addresses the contexts in which intimate violence often occurs and recognizes that few people have reason to believe that the world is safe; for the many others, racism, sexism, cissexism, heterosexism, classism, ableism, among other systems of oppression, create an world that is decidedly *unsafe*. The trauma theory offered by Burstow, similar to Leys’s affect theory, is useful in considering survivors’ recounts of intimate violence not solely from an interpersonal, survivor-perpetrator level, but rather more usefully and more appropriately from the organizational perspective of RAINN.

I chose to analyze the videos, as RAINN devoted substantially more resources—time, money, energy—in their production; I posit that RAINN privileged these stories over others for a reason. I ask not just why RAINN has granted these narratives auditory and visual voice, but also how they, as videos, relay the survivors’ affective relation to justice and healing. This medium is apt for an affective analysis; as Ruth Leys writes, “our faces express our affects, which is to say that our facial displays are authentic read-outs of the discrete internal states that constitute our basic emotions.”¹²⁰ The face, to Leys, is a key site of subjectivity with the unique ability to authentically communicate our “basic emotions.” But as Judith Butler contends, the “read-out” or legibility of these affective expressions is determined “by virtue of certain kinds of anthropocentric dispositions and cultural frames.”¹²¹ In this sense, Butler insists that the connection Leys notes between the face and subjectivity is, in itself, *subjective*; we interpret affective expressions and their “discrete internal states” through discrete external, or cultural, contexts. When analyzing the Survivor Series videos, I am attuned to the assertion that the face,

¹¹⁹ Burstow, “Understanding Trauma,” 1302.

¹²⁰ Leys, “The Turn to Affect,” 438.

¹²¹ Judith Butler, “Giving an Account of Oneself,” *Diacritics* 31, no. 4 (2001): 23.

like words, speaks. Moreover, I am conscious that this very assertion is inextricable from the videos' Western framing and, likewise, my American interpretation.

I wager such self-reflexivity to be integral to a successful affective analysis. Before continuing to name the methodological tensions my analysis of the Survivor Series videos poses, I want to reiterate my stated purpose. Here, as in my research overall, I aim to engage with representations that bolster—or are at the very least complicit in—carceral feminism. Rather than pick apart the survivors' narratives of and affective expressions related to their experiences of intimate violence, I piece together an understanding of how RAINN constructs and deploys them to advance carceral feminism.

Figuring Affect.

I join Michel Foucault in arguing that confessions—in this case, those offered by the Survivor Series narratives—beg theoretical attention; as Foucault writes, examining the “shimmering mirage” of “whatever is most difficult to tell” is “one of the West’s most highly valued techniques for producing truth.”¹²² Similar to Foucault, I understand confessions as *productive* and constitutive of a social epistemological perspective on intimate violence. But unlike Foucault, I also understand confessions and the incitement to discourse to be shaped by affect. I have elected to engage with the Survivor Series confessions because I recognize their ability to invoke the very affective reactions that, in turn, formulate our collective conceptualization of justice and healing. Foucault attends to the following question: “What if sex in our society, on a scale of several centuries, was something that was placed within an

¹²² Michel Foucault, “Scientia Sexualis,” in *The History of Sexuality: Volume 1: An Introduction*, trans. by Robert Hurley (New York, NY: Random House, 1978), 59.

unrelenting system of confession?”¹²³ I ask a similar question, not of sex, but intimate violence: What are the epistemic and affective reactions the Survivor Series videos adduce in their viewers, and what are the parameters of their unrelenting system of confession? In other words, I am, like Foucault, curious to understand how “rituals of confession [...] function within the norms of scientific regularity,” positioning the carceral state as the regulative force and RAINN as its proxy.¹²⁴ In parsing the patterns and rhythms of these confessions as editorialized by RAINN, I am thus able to analyze how they are utilized, conceptually and emotionally, to invest in RAINN’s neoliberal carceral feminist agenda.

Indeed, my own affective experiences viewing the Survivor Series videos guided how I elected to approach them; they are immensely challenging to watch, and even more vexing to analyze. To begin, I transcribed each video and then coded the rhetoric using the following terms: justice, healing, disclosure, and RAINN. I code justice and healing separately because my inquiry presents the following conundrum: to address the carceral divide, I must identify it. I therefore coded justice as references to the processes of the criminal justice system, healing as references to personal progress and transitions in response to violence. I marked rhetoric as disclosure when a survivor asked others to share their story, whether to the police, family, friends, or RAINN through the Hotline. Lastly, RAINN was labeled according to explicit mentions of the organization and the Hotline. While all of these sections are interrelated—and at moments, arguably indistinguishable—rhetorical coding allowed me to better place these narratives in conversation with each other. All, regardless of how they are coded, are tied together by broader logics of neoliberal individualism which, as I discuss in Chapter 1, eliminate any acknowledgment of collective or systemic circumstances and causes. Specifically, I reason

¹²³ Foucault, “Scientia Sexualis,” 61.

¹²⁴ Foucault, 65.

the Survivor Series videos, as analyzed through the rhetorical coding methods I employ, to compose a neoliberal carceral feminist project, an idea I further delve into throughout the Justice, Healing, Disclosure, and RAINN sections.

To establish a methodology for my affective analysis, I draw upon Rebecca A. Adelman's examination of the affective investments in militarism. Preoccupied with the mediation of suffering caused by war-based violence, Adelman argues that we cannot, after all, fully know what it is like to be the suffering other, whether the wife of a soldier or a survivor of sexual abuse. Instead, *figuring*, in its gerundive form, allows Adelman to comprehend emergent affects of "apprehension, affection, admiration, gratitude, pity, and sympathetic anger" that seemed "far removed from, or even irreconcilable with, violence."¹²⁵ The figure, flattened in other aspects of identity—the wife is just a wife, the survivor just a survivor—becomes a representative being onto which we may, however incompletely or problematically, move closer to through affect. As such, "figuring" happens "at a distance—whether physical or epistemic or both—and so involves not only speaking, but feeling on behalf of its subjects."¹²⁶ Distance renders those suffering as *figures*, as symbolic beings that enable the spectator to reach an understanding, albeit limited, of violence. Like Adelman, I find figuring to be a methodological imperative; like any other intended viewer, my understanding of the Survivor Series videos and the figures of survivors they present is at a distance, and my affective reactions shape my epistemic interpretations.

As Adelman is well aware, affect theory, at its core, faces a profound dilemma: Who is entitled to *accurately* and *ethically* determine someone else's affects? For example, my reading of a survivor's affects to hold anger may, to them, be relief; to a different viewer, apathy. I am

¹²⁵ Rebecca A. Adelman, "Introduction: Fabricated Connections, Deeply Felt," in *Figuring Violence: Affective Investments in Perpetual War* (New York, NY: Fordham University Press, 2019), 5.

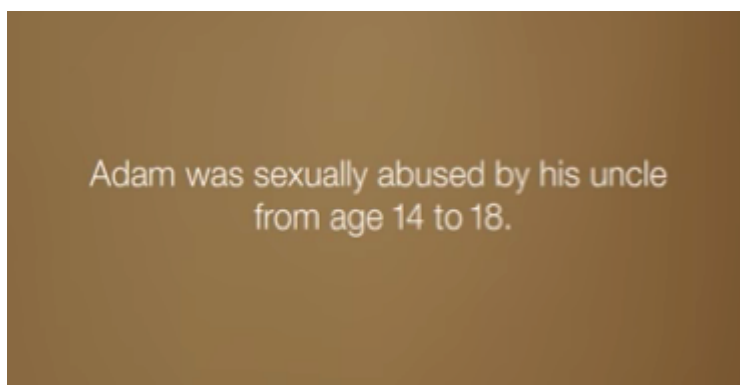
¹²⁶ Adelman, 4.

conscious that my affective experiences map onto my recognition of others' emotions and am equally mindful of my position as an academic observer without access to the survivors beyond their videos. As such, I focus on the intensity of the affect rather than the affect itself, distinguishing between affective registers that are sharp or heightened versus those that are dull or muted. While this may well be an equally subjective approach, I want to avert projecting my assumptions of *what* the survivor may be feeling as best as I can. Sharpness and dullness allow me to attend to my curiosity of *how* RAINN emphasizes affective moments through visual rhetorical maneuvers. When I note, say, the camera's zoom onto a tear, I do so not because I believe that the tear indicates sadness, and that sadness is critical to understanding the narrative at hand. Rather, I do so because I understand that this sharp affective moment—accentuated by RAINN's use of the camera—is meant to garner the attention of the viewer, and I ponder the consequences this may have. In addition to tracing the camera's visual construction of survivors' verbal rhetoric, I note moments in which RAINN's presence as an interlocutor is more overt. When RAINN inserts a text overlay, the survivors are made absent, off-screen, even while their audio continues. In so doing, RAINN implicitly asks their fellow interlocutors—the viewers of the videos—to simultaneously process these two rhetorical sources. As I argue, RAINN's text overlays place epistemic emphasis on the carceral feminist undertones of the survivors' words. Analyzing these narratives is thus an interrogation of how a strategically sharpened (or dulled) affective palette, in tandem with a complex of epistemic revelations, resounds and anchors carceral feminism as appearing “necessary, if not inevitable, and ultimately beneficial.”¹²⁷

¹²⁷ Adelman, “Introduction,” 5.

Overview.

All seven of the Survivor Series videos begin with explicit, graphic details of violence. Both avoiding looking at the camera, Debra and Julianna relay what their perpetrators told them—“This is what kings and queens do. This is absolutely normal”¹²⁸; “Look, I want to show you something. It’s really cool. You can touch it, it’s okay.”¹²⁹ Adam outlines the mechanics of his assault—“I remember we were just wrestling and then all of a sudden he pulled down my pants and, um, penetrated”—wincing and closing his eyes as he utters, “penetrated.”¹³⁰ Keith, eyes formerly fixed on his lap, raises his head to say the following—“he dragged me outta the car with a belt around my neck.”¹³¹ In all of these narrations of horrific violence, the videos abruptly cut to the first of RAINN’s text summaries.



*Figure 10. “Adam’s Story.”*¹³²

As Adam’s example illustrates, RAINN begins by displaying both qualitative and quantitative aspects about each respective survivor’s experience with violence, specifying the

¹²⁸ RAINN, “Debra’s Story (60 Seconds),” YouTube video, 1:02, March 28, 2016, <https://youtube.com/watch?v=USj35nMWHN4>.

¹²⁹ RAINN, “Julianna’s Story (60 Seconds),” YouTube video, 1:02, March 28, 2016, <https://youtube.com/watch?v=WV9SYjfJx4U>.

¹³⁰ RAINN, “Adam’s Story (60 Seconds),” YouTube video, 1:02, March 28, 2016, <https://youtube.com/watch?v=bElQ7K79tkU>.

¹³¹ RAINN, “Keith’s Story (60 Seconds),” YouTube video, 1:02, March 28, 2016, https://youtube.com/watch?v=-8W03L_vqu8.

¹³² RAINN Survivor Series, “Adam’s Story.”

kind of harm—e.g., incestual abuse, abduction, rape—and the age(s) at which the violence occurred. After RAINN’s descriptions of the survivors’ experiences, the videos take distinct discursive directions. Adam continues to elaborate upon the sexual abuse by his uncle; Debra further articulates the sexual abuse by her close relative; Keith shares his memories of being abducted, beaten and raped by a stranger. While these three continue to focus on the harm itself, Barbara, Julianna, and Samentha focus on healing, on transformation, forgiveness, and strength; conversely, Lucy hints at the difficulties of pursuing punitive justice. RAINN then reenters the survivors’ narratives by way of a text overlay that states when the survivors contacted the Hotline before the survivors describe RAINN’s role in their lives. Each video ends with the survivor urging others to share their experiences of violence before fading to information about the Hotline on their “Contact RAINN” still.



*Figure 11. “Contact RAINN.”*¹³³

¹³³ RAINN, “Adam’s Story.”

Justice.

*“By us starting a conversation, it will change the laws and the way that the judicial system handles these types of cases.”*¹³⁴ — Samentha

In the last twenty seconds of her video, Samentha holds a steady gaze at the viewer and makes the above declaration, the camera panning in on the moment she says “judicial system.” Through this visual emphasis on the judicial system, RAINN obliges the viewer to epistemically conceptualize justice as punitive. Her voice is measured, affectively dulled; she is informative, matter-of-fact. Samentha’s lack of a sharp affective appeal, in combination with the movement of the camera, further fortifies her declaration for the viewer. Framing Samentha as an educator to the viewers, RAINN makes her claim appear to not be about her personal, subjective emotions, but about the “us,” a seemingly collective, objective advocate for carceral feminism. Here, “us” is not just her fellow Survivor Series members, nor is the “conversation” one had amongst them; in its very medium as a video posted on RAINN’s YouTube account, the “us” calls upon the viewer, interpellates them as a sympathetic listener and active agent of change.

Samentha clarifies what, to me, was at times a convoluted purpose of the Survivor Series videos and, more broadly, the Speakers Bureau. Opening personal traumas through a confession to the public, to return to Burstow, gestures not just to the world of routine wounds, but also asserts that these wounds may be mended or *healed*, through “laws” and the “judicial system.” Trauma, in other words, can be operationalized to support carceral feminism, notably through appeals to affect. While Samentha is one of the few survivors—three, to be exact—whose rhetoric I coded as justice, I understand what Samentha vocalized to be constituent of how

¹³⁴ RAINN, “Samentha’s Story (60 Seconds),” YouTube video, 1:02, March 28, 2016, <https://youtube.com/watch?v=J99H8wc7sLk>.

RAINN utilizes these videos. In fact, just seconds after Samentha's statement, RAINN follows with the text overlay below.

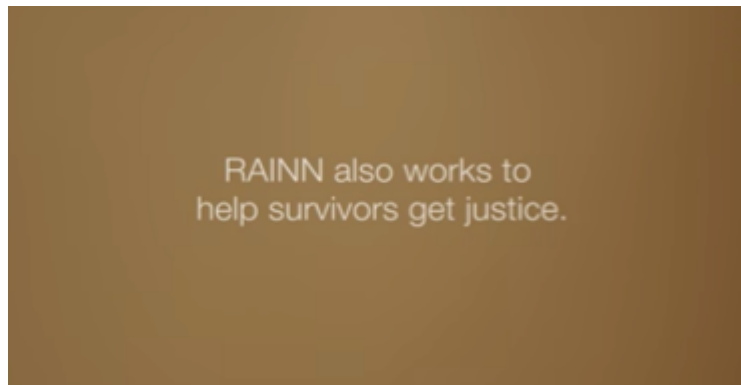


Figure 12. "Getting Justice."¹³⁵

Getting punitive justice is by no means easy. Lucy, a survivor of a sexual assault that occurred just weeks into her first semester at college, says, "He was a student-athlete, so I never officially reported it."¹³⁶ Eyebrows furrowing and holding back tears, she continues, "And I knew that if I did it would just be...an uphill fight."¹³⁷ Lucy's facial expressions, regardless of the emotion they signal, sharpen her affective response to her proclaimed difficulty with pursuing punitive justice. Through her remark's heightened affects, Lucy appeals to the viewers' emotions and their response to not only hearing about the "uphill fight," but to also witnessing the intense effects and, yes, affects, that it induces.

Unlike Lucy, Julianna, who was sexually abused by her stepfather throughout her childhood, elected to endure the punitive justice process, taking him to court at the age of 25. Julianna, voice breaking, remarks, "My mother was my only witness. She could have made up for all those years that I had lost. This is her time to stick up for me and to fight for me. And she

¹³⁵ RAINN, "Samentha's Story."

¹³⁶ RAINN, "Lucy's Story." The ellipses I include in Survivor Series video quotes indicate pauses.

¹³⁷ RAINN, "Lucy's Story."

didn't.”¹³⁸ Julianna's “uphill fight” was fought alone, but afterward, RAINN offered her the support that she desired. Julianna pronounces, “Me and my mother no longer have a relationship. That's why RAINN plays such a huge part in my life.”¹³⁹ When Julianna says “RAINN,” her voice rises and her eyes widen, tiny movements that sharpen her affective reaction to the “huge part”—even maternal role—RAINN plays in her life. As a viewer, Julianna's affective emphasis on what RAINN has done for her consequently made me feel affectively pulled toward RAINN, ever grateful for its ability to “stick up” and “fight” for survivors when others cannot. Of course, this occurs not solely through the Hotlines; RAINN's policy initiatives ostensibly attend to the very troubles Samentha, Lucy, and Julianna discuss. From “lead[ing] the national effort to end the rape kit backlog”¹⁴⁰ to sharing the infographics I include in Chapter 2 that lament low levels of reporting, RAINN fervently endorses not just confessing to the Hotline, but also reporting to actors of the carceral state. As I have noted, carceral feminism may recognize its faults, but rather than seriously consider non-carceral approaches to harm, reforms urge *different* or *better* carceral approaches.

Regardless of their gestures to the inaccessibility of punitive justice, the survivors' statements, interpreted in conjunction with the organization that has made their confessions public, support carceral feminism. Similar to the survivor testimony in Nassar's public sentencing that I reflect upon in the Introduction, Samentha, Lucy, and Julianna's discussions of punitive justice are sharply affective; the survivors' palpable, heightened affects regarding the arduous punitive justice process translate into my longing as a viewer for carceral feminist measures to mitigate their suffering. By including stories that, when mentioning justice,

¹³⁸ RAINN, “Julianna's Story.”

¹³⁹ RAINN, “Julianna's Story.”

¹⁴⁰ RAINN, “Programs and Expertise.”

exclusively refer to the carceral state, RAINN further reifies punitive justice as the sole option for survivors of intimate violence; by circulating such painful narratives, RAINN tactically and affectively joins Samentha in advocating for changes in laws and the judicial system.

Healing.

*“After being married to someone who was abusive for fifteen years, I walked away with nothing. I decided I was gonna heal myself...I would become a champion. I would take all this, all this hurt, all this pain, and turn it into something uniquely positive.”*¹⁴¹ — Barbara

The camera gazes at Barbara’s profile as she proclaims “I was gonna heal myself,” placing a contrasting emphasis on healing-centric narratives. Upon hearing how RAINN has turned Barbara’s “hurt” and “pain” into something “uniquely positive”—a healing in this case independent of the punishment of a perpetrator—I found that the blunt carceral outlines of RAINN appeared to soften. As Barbara’s repeated use of “I” imparts, and as the Survivor Series cohort joins her in doing, healing is characterized as a personal endeavor rhetorically and practically outside of the boundaries of punitive justice.

As an individualized process, detached from any collective or systemic responsibility, these confessions construct a world of routine wounds that ignores the varying degrees of *unsafety* that the survivors regularly experience based on their identities.¹⁴² While each survivor had a unique experience with violence, their narratives are differentiated solely based on the harm, not on their positionality. Through their conspicuous absence of race, gender, sexuality, class, ability, and so forth, the Survivor Series videos flatten their narrators into one identity—survivor. Reducing a person to the violence they have experienced may accord them

¹⁴¹ RAINN, “Barbara’s Story (60 Seconds),” YouTube video, 1:02, March 28, 2016, <https://youtube.com/watch?v=zKmeeOxRd8E>.

¹⁴² See Johanna Bockman, “Neoliberalism,” *Contexts* 12, no. 3 (2013): 14-15. These rhetorics of healing suggest the neoliberal “bootstraps” mentality and its primacy of personal (rather than systemic) responsibility I discuss in Chapter 1.

individuality but does not grant them an identity beyond the figure of the survivor; equally significant, they are personally responsible for their justice and healing processes. Reducing an experience of violence to occurring in abstraction from experiences of other routine wounds—for example, the trauma of the racism that Debra and Samentha face as Black women—both misunderstands intimate violence and abets a neoliberal understanding of healing as the responsibility of the survivor, rather than their community or greater society.

In what Keith names the “transition to being a survivor,” neoliberal rhetorics of healing place the onus on the survivor to reconceptualize notions of accountability and to validate their own epistemic and affective responses to trauma.¹⁴³ Likewise, Lucy’s ruminating on healing exemplifies neoliberal expectations. Wiping away tears, she says, “You’re not broken... That the part of you that wants to heal is stronger than the part of you that’s broken. Yes, I survived this, and I’m okay.”¹⁴⁴ Rhetorically, Lucy heals herself by way of sheer individual desire and strength. Affectively, Lucy’s laugh at the end of this quote sharpens her emotional relief at being “okay,” further emphasized visually by RAINN’s display of the “Contact RAINN” text overlay at the end. On a rigidly theoretical level, Barbara, Keith, and Lucy contradict the carceral divide’s assumptions that healing is solely possible *through*—not outside of—punishment. In reality, they prove carceral feminism to be more flexible. That is, their statements only *superficially* stray from carceral feminism; they profoundly resonate with carceral feminism by exemplifying the very neoliberal logics so fundamental to its politics.

¹⁴³ RAINN, “Keith’s Story.”

¹⁴⁴ RAINN, “Lucy’s Story.”

Disclosure.

*“The more you hold it in, the more it poisons you.”*¹⁴⁵

— Lucy

As Lucy articulates, disclosure is a means for confronting and ridding the self of the “poisons” of trauma. Whether for punitive justice, in which disclosure takes the form of reporting or for, as Julianna says, “chipping away at the stone of [...] healing,” this sentiment is shared by all Survivor Series members.¹⁴⁶ In this way, disclosure straddles but maintains the carceral divide; the survivors frame confessing as a means toward justice *or* healing, depending on who listens. Certainly, disclosure may be a daunting task both conceptually and emotionally; sharing one’s experience of intimate violence risks the pain of someone not believing them. As Foucault would say, this someone is the listener “who is not simply the interlocutor but the authority who requires the confession,” and who ultimately determines its credibility.¹⁴⁷ Epistemic reckoning with this possibility, moreover, takes affective form. Debra’s message to survivors—“Don’t be afraid. Don’t be afraid to tell”—emphasizes the fear involved in disclosure as the “Contact RAINN” text overlay appears.¹⁴⁸ Telling RAINN, then, is associated with fearlessness—epistemically, RAINN guarantees acceptance of a confession as credible; affectively, this assurance provides potential emotional gratification and safety. In so doing, Debra’s comments speak to a universalizing purpose of the Survivor Series campaign—to urge survivors to disclose to the Hotline. Echoing Debra’s thoughts on fear, through heavy breathing Keith says that, after being abducted and raped, “I was embarrassed. I was ashamed. And it was my fault. Of course, now I know it wasn’t.”¹⁴⁹ Keith’s affects, sharpened by his labored

¹⁴⁵ RAINN, “Lucy’s Story.”

¹⁴⁶ RAINN, “Julianna’s Story.”

¹⁴⁷ Foucault, “Scientia Sexualis,” 62.

¹⁴⁸ RAINN, “Debra’s Story.”

¹⁴⁹ RAINN, “Keith’s Story.”

breathing, at once emphasize the embarrassment and shame he once felt while also underscoring the power of the confession to have profound epistemic benefits; now, after disclosing to RAINN, he knows his experience with intimate violence was not his fault.

While Keith describes sharing his story in terms of a personal progress narrative, Adam confesses to prevent others from experiencing intimate violence: “The abuse happened, I’m telling my story because I don’t want anyone to ever go through what I went through.”¹⁵⁰ He continues with a call to action, stressed by the camera zooming in as he says, “Tell your parent. Tell someone you love. They’re going to believe you.”¹⁵¹ Adam, familiar with the trepidations of disclosing one’s story, suggests that confession is not only an individual undertaking but is also a decision that may avert future harm for “anyone.” At this moment, RAINN yet again cuts to their “Contact RAINN” text overlay, directing Adam’s call to action to the Hotline.

Whether to an actor of the carceral state, a loved one, or the Hotline, disclosing is limited between the confessor and the listener(s). As the Survivor Series videos demonstrate, confessions do not need to move beyond an interpersonal level to offer justice and healing. But as the Survivor Series videos reveal, more than maintaining the carceral divide, disclosure can be used to uphold neoliberalism. If Adam’s statement on the preventative promise of telling and RAINN’s concurrent marketing of the Hotline tell viewers anything, it is that individual choices, rather than systemic action, will bring about change, an indication undergirded by neoliberal logics.

¹⁵⁰ RAINN, “Adam’s Story.”

¹⁵¹ RAINN, “Adam’s Story.”

RAINN.

*“I just think it’s the most...The best organization that they could have for people that are afraid to run, for people who are afraid to tell.”*¹⁵² — Debra

At the end of each video is a message similar to Debra’s: leaning forward as the camera centers firmly on her face, she affirms that RAINN is the “best organization” to facilitate disclosure, to close the fear-based epistemic and affective gap between keeping an experience of intimate violence a secret and confessing it. To be “afraid” to tell is, as I have argued, an affective as well as epistemic disposition. Disclosure sparks fear for countless reasons, but here, I return to Foucault’s notion of confessions as producing truth. As he argues, the belief of the listener determines the truth of a confession; the authoritative interlocutor who may “judge, punish, forgive, console, [or] reconcile.”¹⁵³ Throughout my analysis of the Survivor Series narratives and their unrelenting system of confession, I have examined the discursive function that the organization positions their audience to adopt. Debra’s statement, however, compels me to question: How does RAINN present, or listen to, these stories? In Adam’s opinion, RAINN neither judges nor punishes survivors for disclosing; “RAINN allows for people not to be judged.”¹⁵⁴ Indeed, the survivors articulate RAINN to be a listener offering consolation and reconciliation. As the camera pans to her profile, Lucy maintains, “With RAINN, it’s about healing [...] and making a safe space.”¹⁵⁵ Closing in on Lucy’s face, the camera sharpens her affective attachments to RAINN, asking the audience themselves to epistemically approach RAINN as a listener free from fear or judgment. Together, Debra, Adam, and Lucy—alongside

¹⁵² RAINN, “Debra’s Story.”

¹⁵³ Foucault, “Scientia Sexualis,” 62.

¹⁵⁴ RAINN, “Adam’s Story.”

¹⁵⁵ RAINN, “Lucy’s Story.”

their fellow Survivor Series members establish RAINN to be a “healing” and “safe” space for survivors to confess what Lucy names the “painful memory” of violence.¹⁵⁶

By rhetorically coding the survivors’ narratives, I have addressed the intricacies of how RAINN displays these painful memories. Now, I intend to more explicitly address the second part of my original question: How does RAINN *utilize* these stories? To answer this query, I employ Adelman’s methodology, recognizing the inherent distance in the affective analyses that she and myself, respectively, have executed. Adam, Barbara, Debra, Julianna, Keith, Lucy, and Samentha are—to me as to any other viewer—figures, symbolic renderings of survivors. In this, I do not mean to say that the survivors or their experiences are not real. Instead, I mean to affirm that any given spectator’s accessibility to their realities is limited, at a distance. To bring myself closer to them, I traced the intensities of their affective registers, whether sharp, heightened or dull, muted. By focusing on the *intensity*, rather than the *specificity*, of their affects, I was thus able to analyze RAINN’s role in constructing these narratives via visual rhetorical maneuvers. Through the camera, RAINN emphasizes, or sharpens, affective moments, calling upon fellow listeners—the viewers—to regard them as especially important. RAINN’s presence as an interlocutor is made ever overt by the text overlays, obscuring the faces and bodies of the survivors, even as their narrative aurally continues. When RAINN inserts a text overlay, as seen in the videos of Samentha and Adam, among others, it concretizes the epistemic moments that allude to carceral feminism.

Carceral feminism, of course, may or may not be a politics held by the survivors. But my interest here, just as in this thesis overall, is not in speculating what the survivors think or feel. Instead, I am concerned with how RAINN constructs and deploys these confessions. However

¹⁵⁶ RAINN, “Lucy’s Story.”

unintended by the survivors, I propound that the Survivor Series videos are utilized to promote RAINN's neoliberal carceral feminist agenda. Justice, when (rarely) alluded to, is purely punitive, a nod to the neoliberal nature of the carceral state and the carceral feminist equating of punishment as redress. Healing, while seemingly disaggregated from justice via the carceral divide, is described through neoliberal rhetorics of healing. In the Introduction, I mention the "carceral state of mind" that influences how we may understand justice. In the Survivor Series videos, there emerges a "neoliberal state of mind" that determines how we may comprehend healing. In other words, just as the neoliberal "bootstraps mentality" applies to the individualized process of punitive justice, so too does it apply to personal responsibility in the process of healing; the survivors articulate their healing as self-directed, independent of collective accountability and their varied experiences with systems of oppression. Similarly, disclosure centers the following perspective: individual confessions, rather than an eradication or transformation of violent institutions and conditions of harm, can stop intimate violence. In this last section on RAINN, these various sections converge to codify the Hotline and RAINN as healing, safe spaces where disclosure—and subsequently, possible justice and healing—are facilitated. In essence, the confessions of the Survivor Series videos denote individualized, neoliberal parameters to justice, healing, and disclosure; they attest intimate violence to be resolved by RAINN's cruelly optimistic, carceral feminist enterprise.

Conclusion: De-Linking Toward Possible Freedom

*“We yearn for different futures, but we can’t imagine how to get there from here. We’re hypocrites, maybe, but that derogation doesn’t encompass the nature of the problem that complexity poses for us.”*¹⁵⁷ — Alexis Shotwell

Certainly, there is a collective yearning for a future free from intimate violence, but the imaginations of how to get there depart at their respective conceptualizations of justice. Critically engaging with carceral feminism through RAINN’s website and Survivor Series videos, I argue that, by way of its failure to address the systemic conditions of intimate violence, carceral feminism cannot successfully conduce liberation. Paired with Lauren Berlant’s thinking, I view carceral feminism as cruelly optimistic in aiming to reach such a nonviolent future through the oppressive violence of the carceral state.

What, then, is the alternative? To return to Alexis Shotwell, to imagine a world without intimate violence, and furthermore, one without the carceral state, we need to do more than think differently. From fear to anger, our epistemic investments in punishment are imbued with affect; we must feel differently or direct our feelings toward different ends. Thus, an epistemic de-linking away from the logics of the carceral state, must partner with an *affective* de-linking, a re-conceptualization and re-sentimentalization of our notions of justice. Such a de-linking, as proposed by Jean M. Bartunek and Michael K. Moch, occurs in three orders. First-order change, “seek[ing] to overcome obstacles to fulfilling goals of already established schemas,” is, in my interpretation, one held by reformists.¹⁵⁸ By way of focusing efforts on improvement, these established epistemic ideologies and their material consequences are not problematized but rather left intact. In the case of RAINN, carceral feminism prevails; the obstacles to the mainstream anti-violence movement organizationally “overcome” through programming and

¹⁵⁷ Shotwell, *Against Purity*, 6.

¹⁵⁸ Jean M. Bartunek and Michael K. Moch, quoted in Heiner and Tyson, “Feminism and the Carceral State,” 24.

policies that bolster the carceral state. In leaving this political landscape uninterrogated, the “[scars caused] by the cultivation, intensification, mobilization and calibration of fear” do not fade.¹⁵⁹ As I discuss in Chapter 1, the histories of colonization and enslavement have hemorrhaged onto the present; they are, in many ways, not scars but open wounds. From the vicious imposition of Anglo-American punitive justice over Indigenous tribal justice to the postbellum racialized subjection under the law, United States rape consciousness has been—and continues to be—shaped by white supremacist fear of Indigeneity, Blackness, and people of color. This fear, in the more contemporary carceral feminist genealogy—the battered women’s movement of the 1960s, the neoliberal shift of the 70s, the rape law reforms of the 80s, the VAWA of 1994—has translated into punishment as justice in response to intimate violence. In this reformist narrative, the carceral feminist logics are sustained.

Distinct from first-order change’s preservation of established epistemological schemas, second-order change *alters* these schemas. According to Heiner and Tyson, second-order change “is typically a response to discovering that the shared epistemic resources of an organization are themselves insufficient in some way given the overarching goals of the organization.”¹⁶⁰ In short, second-order change requires carceral feminists and the institutions they support to hold their values open for examination, to reflect upon their conceptualizations of justice and to name when their anti-violence politics are antithetical to their imagined future.

In Chapter 1, my discussion of the mainstream anti-violence movement’s history concludes that it is a relentlessly reformist project, stuck in first-order change. Throughout Chapters 2 and 3, I practice second-order change in my analysis of the organization RAINN. In Chapter 2, I evaluate RAINN’s website through discourse analysis to practice the reflexivity on

¹⁵⁹ McManus, “Hope, Fear, and the Politics,” 1.

¹⁶⁰ Heiner and Tyson, “Feminism and the Carceral State,” 24.

its programs and policy efforts that RAINN itself does not. Guided by legal, political, and police-backed funding and predominantly white, philanthropic- and government-backed leadership, RAINN is certainly what Dean Spade would consider a punitive justice organization. From its mission to “ensure that perpetrators are brought to justice” to its programs, justified by infographics that affectively motivate the incarceration of perpetrators, to its policies, legitimized by politicians’ testimonials, RAINN persuades visitors to adopt the carceral feminist belief in punishment as justice.¹⁶¹ In Chapter 3, I look to RAINN’s epistemic schemas of healing, questioning how RAINN presents and utilizes survivors’ confessions from the Survivor Series YouTube playlist to achieve a similar purpose. Through my analytical foray into second-order change, I contend that RAINN’s visual rhetorical maneuvers, from the movement of the camera to the stills of the text overlays, emphasize affective moments that support the organization’s neoliberal, carceral feminist agenda. Specifically, I pronounce the videos’ individualizing neoliberal logics and flattening of identity into the figure of the survivor to be “insufficient” in achieving RAINN’s goals, antithetical to reaching a future free from intimate violence.

While Bartunek and Moch present these “orders” as *ordered*, linearly organized, there is no absolute temporal structure to epistemic change. In other words, alongside the dominant epistemology of punitive justice, as animated by predominantly white carceral feminists, there has been a project of epistemic resistance by women of color feminists and transformative justice activists.¹⁶² When transformative justice activists critique the criminological framing of violence by creating “non-carceral, life-affirming, decolonial responses to violence,” they are creating third-order change.¹⁶³ That is, the community accountability processes of transformative justice

¹⁶¹ RAINN, “About RAINN.”

¹⁶² See Kristie Dotson, “Conceptualizing Epistemic Oppression,” *Social Epistemology* 28, no. 3 (2004): 115-138. Dotson, a Black feminist epistemologist, details epistemic oppression and resistance by fellow women of color.

¹⁶³ Heiner and Tyson, “Feminism and the Carceral State,” 25.

serve as epistemic and affective de-linking of justice from the neoliberal logics of the carceral state. Through a transformative justice perspective, accountability moves to the fore, positing that an effective response must envisage accountability of the perpetrator, the community, and the “violent, colonial, white supremacist, and heteropatriarchal social and state institutions.”¹⁶⁴ Counter to punitive justice, transformative justice moves *beyond* individuals; counter to the neoliberal carceral feminist agenda, it holds accountable the collective—the “community at large” and “state institutions”—in addressing intimate violence. To put the epistemic resistance of third-order change in practice, a survivor and their community must resist epistemic and affective impulses resulting from the “carceral state of mind” and the “neoliberal state of mind.” Evading these influences on how we think and feel about justice and healing may not be impossible, but it may be profoundly difficult.

By questioning the dominant epistemology of punitive justice, transformative justice mediates and mitigates intimate violence while also considering its systemic circumstances and causes. The transformative justice movement, in all of its utopic yearning, engages with social movement theorists’ thinking on prefigurative politics, a politics concerned with visions of futures perhaps unfathomable but that certainly merits serious consideration and action. As a radical politics, transformative justice has what Chris Dixon frames as “a commitment to putting vision into practice,” an imperative to “*prefigure* the ends.”¹⁶⁵ Prefiguration is as much about imagining this utopic future, free from intimate violence and the carceral state, as it is about organizing and mending the harms of the dystopic present. It is, as Susan McManus would wager, about hope. In what she calls the hope-project, the endeavor toward transformative justice

¹⁶⁴ Heiner and Tyson, “Feminism and the Carceral State,” 18.

¹⁶⁵ Chris Dixon, “‘Organizing Now the Way You Want to See the World Later’: Prefigurative Politics,” in *Another Politics: Talking across Today’s Transformative Movements* (Oakland, CA: University of California Press), 84-5. Emphasis in original.

is in part dependent upon “various modes of affirmative affect.”¹⁶⁶ As a utopian mode of affect, hope does not discard the negative affect of fear entirely,¹⁶⁷ but rather “depends upon forms of affective restructuring (in which fear is put to work in hopeful ways).”¹⁶⁸ Transformative justice centers restructuring, both epistemic and affective, rather than a dependence on or reformist attitude toward oppressive systems. As such, I interpret a hope-project’s endeavors as optimistic, but not cruelly so.

Restructuring is also a *de*structuring that simultaneously asserts the necessity to build something in these systems’ place. Indeed, as Barbara Ransby writes on the topic of prison abolition, to move toward a future in which the carceral state is obsolete is to “get involved with an intensive process of building: jobs, housing, new cultural practices, and new ways of thinking.”¹⁶⁹ I expand upon Ransby to argue that we must build a future in which not only is the carceral state obsolete, but so too is intimate violence, in which not only do we forge new ways of thinking, but also new ways of feeling. But the process of building, as Ransby writes, is “intensive,” an exhaustive and lengthy undertaking. While transformative justice coalitions, notably INCITE! and Creative Interventions,¹⁷⁰ offer a solid foundation, creating a community ready for accountability processes takes time, too. Thus, I echo André Gorz’s call for “non-

¹⁶⁶ McManus, “Hope, Fear, and the Politics,” 1.

¹⁶⁷ See Pillsbury, “Emotion and Criminal Punishment.” Pillsbury outlines various affective changes in which a perpetrator’s declaration of accountability through affective “expressions of remorse” can transform a “thoroughly negative relation characterized by anger, hatred and resentment, into a relation of acceptance, where the [perpetrator’s] humanity is acknowledged.”

¹⁶⁸ McManus, “Hope, Fear, and the Politics,” 11.

¹⁶⁹ Barbara Ransby, “Conclusion,” in *Making All Black Lives Matter: Reimagining Freedom in the Twenty-First Century* (Oakland, CA: University of California Press, 2018), 157.

¹⁷⁰ See INCITE!, “INCITE!,” 2019, <https://incite-national.org>. See also Creative Interventions, “Creative Interventions,” 2019, <https://creative-interventions.org>. INCITE! and Creative Interventions aim to end violence in all forms. To me, these organizations are exemplary hope-projects and may provide a roadmap to a better future. Founded in 2000 by radical feminists of color, INCITE! has since produced many resources for organizing. Its conferences “effectively address the broad and intersectional scope of women of color” and critique the “mainstream social service-oriented agenda” of carceral feminists. Similarly, Creative Interventions focuses on “building capacity for grassroots social justice organizations and supporting domestic violence and sexual assault organizations to make community-based, transformative justice and community accountability interventions a real option.” Creative Interventions does so through sharing stories of survivors, perpetrators, and community members and publishing toolkits.

reformist reforms,” demands that “plant the seeds for systemic change” just as they offer relief in the meantime, however long we must wait.¹⁷¹

To end this thesis, I urge that we prefigure the ending of intimate violence, that we imagine a future so that one day, we may reach it. Neither McManus nor I can answer how, exactly, we may de-link our epistemic and affective investments in punitive justice; after all, this is at its core a collective decision that individuals cannot prescribe. But we can (and should) critically, compassionately, and consistently ask ourselves: What is the world that we want to build? To get there, which institutions and systems must we restructure, and which ones must we destructure, or more explicitly, destroy? And, perhaps most importantly, what might we build in their place?

¹⁷¹ André Gorz, quoted in Ransby, “Conclusion,” 159.

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